



STAFF REPORT ACTION REQUIRED

Amendment to Legal Fees section in Constituency Services and Office Budget Policy and Authority to Pay A Legal Invoice

Date:	May 8, 2014
To:	Executive Committee
From:	City Clerk
Wards:	All Wards
Reference Number:	

SUMMARY

This report seeks Council's authority to amend the Legal Fees section in the Constituency Services and Office Budget Policy so that in addition to legal fees related to complaints and investigations by the Integrity Commissioner, legal fees related to complaints or investigations by the Lobbyist Registrar, Ombudsman or the Auditor General are also eligible expenses to be paid out of the Constituency Services and Office Budget.

If Council agrees to the amendment to the Constituency Services and Office Budget Policy, this report also seeks Council's authorization to pay an outstanding 2013 legal invoice on a one-time basis, and further seeks Council's direction on whether this invoice should be paid from the Council General Expense Budget or the Councillor's Constituency Services and Office Budget.

RECOMMENDATIONS

The City Clerk seeks City Council's consideration to:

1. Amend the Constituency Services and Office Budget Policy, Legal Fees section to include under Eligible Expense:

- Legal fees related to complaints or investigations handled by the Lobbyist Registrar, Ombudsman or Auditor General under Part V of the *City of Toronto Act, 2006*
2. Authorize the City Clerk to pay an outstanding 2013 legal invoice in 2014 and direct if the invoice should be paid from the Councillor's Constituency Services and Office Budget or the Council General Expense Budget.

Financial Impact

There are no financial impacts if Council adopts recommendation 1.

If Council adopts recommendation 2, the outstanding legal bill in the amount of \$1,610.25 will be paid. This amount would be absorbed within and with no impact to the existing 2014 Council General Expense Budget or the Councillor's 2014 Constituency Services and Office Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

The current Constituency Services and Office Budget Policy was updated and adopted as amended by City Council at its meeting of July 11, 12 and 13, 2012, as part of EX21.9 'Policy Changes to Facilitate Councillor Office Operations'.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX21.9>

COMMENTS

The current legal fees section in the Constituency Services and Office Budget Policy is included as Attachment 1 to the report. The following legal fees are eligible expenses:

- Legal fees related to Code of Conduct investigations:
 - if the Integrity Commissioner finds that the Councillor has inadvertently violated the Code or violated the Code in good faith; or
 - if the Integrity Commissioner has found the Councillor violating the Code and City Council received the Integrity Commissioner's report for information.
- Fees related to judicial reviews related to Code of Conduct investigations.
- Fees eligible under the Indemnification Policy. This includes: civic actions or proceedings or criminal or other charges against a Councillor resulting from the Councillor performing the duties of a Councillor, and if the Councillor has not been found guilty.

- Fees related to informal complaints (part A) and formal complaints (part B) of the Code of Conduct Complaint Protocol for Members of Council.

Toronto has four Accountability Officers, established in Municipal Code, Chapter 3, Accountability Officers, under the authority of the *City of Toronto Act, 2006*, Part V, Accountability and Transparency. Appointed by Toronto City Council, the Auditor General, the Integrity Commissioner, the Lobbyist Registrar and the Ombudsman can all receive complaints and have authority to conduct investigations and inquiries.

Under the current policy, only legal fees related to investigations or complaints to the Integrity Commissioner are eligible expenses. City Council should consider the option to amend the Legal Fees section of the Constituency Services and Office Budget Policy so that legal fees related to complaints or investigations handled by the Lobbyist Registrar, Ombudsman or Auditor General under Part V of the *City of Toronto Act, 2006* are also eligible expenses. The amended legal fees section of the policy is included as Attachment 2.

If Council decides to amend the legal fees section, a 2013 legal fees invoice which the City Clerk's Office has received from a Councillor in 2014 would become an eligible expense. On a one-off basis, the City Clerk seeks Council's authorization to pay the submitted invoice, and further seeks Council's direction on whether the invoice should be paid from the Council General Expense Budget or the Councillor's Constituency Services and Office Budget.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Attachment 1: Current Legal Fees Section, Constituency Services and Office Budget Policy
Attachment 2: Potential Legal Fees Section, Constituency Services and Office Budget Policy