

Attachment 2 - Proposed Constituency Services and Office Budget Policy

Legal Fees

Eligible Expense:

- 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: civil 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. [*per City Council decision at its meeting on July 15, 16 and 17, 2008 on the joint report by the City Manager and the City Solicitor titled "Review of Indemnification Policy for Members of Council"*]
- Fees related to informal complaints (part A) and formal complaints (part B) of the Code of Conduct Complaint Protocol for Members of Council.*

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*

Ineligible Expense:

- Personal conflict of interest opinions.
- Legal opinion that the City Solicitor can provide.
- Legal opinion that supports a community group against a City position.

Conditions:

- Councillors should always consult with the City Solicitor before incurring any legal expenses (including legal research).
- Councillors who wish to receive a second opinion to the advice that City staff have already provided must process a request to Council, requesting that Council direct the City Solicitor to retain external legal services for this purpose.
- The City Solicitor must verify the rate of legal fees to determine the reasonableness of the lawyer's account.
- Policy for Councillors Receiving Legal Advice with regard to matters relating to City business (adopted by City Council April 26, 2000).

Other information about legal fees:

- Original invoice from the lawyer must detail hours worked, the fee per hour and the nature of work performed.

Form:

Form A - Request for Reimbursement/Payment of Expenses

*Amended and adopted by City Council at its meeting on July 11, 2012.