
MEMORANDUM

AC-C 13-2019

Subject: Consideration of Reimbursement for Expense

Date: March 18, 2019

To: Audit Committee

From: Ann-Marie Norio, Regional Clerk

Regional staff are in receipt of an expenditure for former-Councillor Bill Hodgson for an expense that falls outside of the Regional Council Expense Policy. The request for reimbursement was made prior to the end of the previous term of Council; however, given that there were no Audit Committee meetings until 2019, this was the earliest this could be brought before the Committee for consideration.

Under the policy, any expenditures submitted but not processed in accordance with this policy may be submitted to the Audit Committee to provide a recommendation respecting reimbursement to Council.

The particular expenditure to be considered by Audit Committee relates to expenditures for legal costs and as such Section 4.9 (d) of the policy applies:

d) Requests for reimbursement of legal costs outside this policy or the legal indemnification policy shall be submitted to the Audit Committee for recommendation to Council.

This request for reimbursement for legal fees in the amount of \$846.92 is being put forward to Audit Committee for consideration.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

Appendix 1: Information Submission

To: Donna Gibbs

Note regarding Legal Expenses incurred and claimed

November 26, 2018

Following my resignation from the NPCA Board on May 15, 2017 it became clear to me that I would require legal services to assist me in defending myself against false, unwarranted and ongoing attacks upon my good reputation.

The May 30, 2017 article from the Stony Creek News is attached to document the fact that the nature of the attacks upon my reputation were being extended to my role as a Regional Councillor and the Region's Code of Conduct.

The failure of the Regional Chair and NPCA Chair to officially acknowledge my letter of resignation in a timely manner, had me being inappropriately reported in NPCA minutes as "Member absent". This was simply clear evidence that the intimidation for daring to voice a dissenting opinion, was being extended to my ongoing role as Regional Councillor.

In meetings with both Regional Legal Counsel (Sterling Wood, May 16, 2017) and Town of Lincoln staff, I was advised that neither could provide resources through the respective insurance coverages to defray the legal costs to defend myself. Based on this advice I have not looked to the Region Legal Indemnification Policy to cover costs.

The expenses claimed, represent the final billing as we have appealed to the IPC to order that I be provided access to the so-called Gowling Investigation Report and any other relevant documents, which were used to recommend my censure by the NPCA Board. Please note that the complete denial to any sort of due process by the NPCA continues to this day, and we await any decision by the IPC Office.



Bill Hodgson

Niagara Peninsula Conservation Authority member James Kaspersetz seeks further investigation into board actions

NEWS May 30, 2017 by Kevin Werner Stoney Creek News

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Hamilton's Niagara Peninsual Conservation Authority representative James Kaspersetz has asked for an investigation into Lincoln Regional Coun. Bill Hodgson for his involvement in the authority's audit process. - By Kevin Werner, HCN

Hamilton's Niagara Peninsula Conservation Authority representative James Kaspersetz has made a request to the Niagara Integrity Commissioner to investigate Lincoln Regional Coun. Bill Hodgson and his possible role in the authority's failed audit process.

Kaspersetz has asked John Mascarini to investigate why the authority unexpectedly halted the audit process in April, which prompted board members to censure Hodgson. In a letter to the mayors and councillors of Hamilton, Niagara, Lincoln and Haldimand, the findings of the investigation, conducted by Gowling WLF LLP "could potentially and reasonably be seen by an objective observer as an attempt to influence the (request for proposals) process as an implicit endorsement in favour of a potential bidder."

Hodgson was the mayor of Lincoln for 11 years until 2014. He didn't run for re-election, but instead was successful for regional council in 2014.

Under the Niagara Code of Conduct rules, it states: "All members of Council shall observe the highest standard of ethical conduct."

In addition, Kaspersetz has also filed a Freedom of Information request, "as part of my own investigation" seeking Hodgson's emails and other communications involved in the audit process.

Hodgson resigned from the authority's board earlier this month after being censured by members in late April after board chair Sandy Annunziata stated he received information about "alleged impropriety" involving the bidding process for a firm to conduct an audit. The authority cancelled the request for proposals process and asked the Auditor General of Ontario to conduct the review.

Annunziata said at the May board meeting that the board is awaiting instructions from the auditor general's office about how to proceed with the audit.

Hodgson has stated he is unable to comment on his situation.

He did say in the aftermath of his resignation that he was "being bullied and harassed" by other board members, and it was one factor in his decision to leave the board.

"My family and my health come first. The environment at the (Niagara Peninsula Conservation Authority) has been difficult for me," he stated.

The authority hired the legal firm, Gowling, to review the issue before the board voted to censure Hodgson. The Gowling report has yet to be made public. Gowling recommended censuring Hodgson and strengthening the board's code of conduct.

Hodgson kick-started the audit review in January when he introduced a motion for the authority to have an operational review. Board members approved in March to send out a detailed 32-page request for proposals asking independent accounting firms to bid on the project.

Hodgson, though, voted against the motion, arguing the board wasn't following the intent of his original January motion.

The Standard

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Auditor General report clears former NPCA board member of wrongdoing

Report refutes claims by conservation authority that Bill Hodgson corrupted auditor hiring process in 2016

News Oct 11, 2018 by Grant LaFleche and Bill Sawchuk **Standard Staff**



Bill Hodgson is photographed by his backyard bird feeders earlier this year. - Julie Jocsak , The St. Catharines Standard

The Auditor General had the last word on Niagara Peninsula Conservation Authority's censure of former board member Bill Hodgson — he didn't do what he was accused of.

But the Lincoln regional councillor is in no mood to celebrate.

"I've already spoken my piece," said Hodgson, [who isn't seeking re-election \(https://www.stcatharinesstandard.ca/news-story/8723219-becoming-citizen-bill-the-end-of-a-niagara-political-career/\)](https://www.stcatharinesstandard.ca/news-story/8723219-becoming-citizen-bill-the-end-of-a-niagara-political-career/). "When I look at the audit, there are a lot more important things in there than the part about me.

"Clearly, from what they have said about Thundering Waters, they aren't accepting the auditor's conclusions — and Thundering Waters is really where all of this started.

"It's just more of the same. They are determined to keep poking the public in the eye."

In April 2017, NPCA board chair and Fort Erie regional councillor Sandy Annunziata publicly censured Hodgson. He said Hodgson had corrupted the hiring process for an auditor.

NPCA hired Toronto law firm Gowling WLG, which produced a report Annunziata based the censure on. Annunziata claimed the report showed his accusations were facts, but would not release the report.

The Standard later obtained the document, which said Hodgson emailed a former colleague who expressed interest in bidding on the audit contract.

"Thank you for your interest in the process to undertake an operational review at the NPCA. I will be pleased to forward your email to the acting CAO ... He has been directed by the board to initiate a competitive procurement process to retain the services of an independent third party," Hodgson's email read.

Annunziata told the NPCA board that Hodgson's actions had "corrupted" the process and it was "not a situation we can tolerate." The auditor hiring process was then cancelled.

NPCA circulated a letter announcing its decision to Niagara Regional Chair Alan Caslin and regional council as well as Niagara's municipalities and the mayors and councils of Hamilton, Lincoln and Haldimand.

The letter said the findings of the Gowling investigation indicated Hodgson's actions "could potentially and reasonably be seen by an objective observer as an attempt to influence the RFP process as an implicit endorsement in favour of a potential bidder."

[The Standard found the Gowling report is missing key information about the allegations \(https://www.stcatharinesstandard.ca/news-story/8723219-becoming-citizen-bill-the-end-of-a-niagara-political-career/\)](https://www.stcatharinesstandard.ca/news-story/8723219-becoming-citizen-bill-the-end-of-a-niagara-political-career/) and that the firm didn't contact Hodgson when it produced the report, which Hodgson was not allowed to read when he was censured.

Hodgson responded by resigning from the board and accused board members of bullying him.

Auditor General Bonnie Lysyk's report released late last month refuted Annunziata's interpretation of the email.

"Our audit found other instances of board member involvement in day-to-day operations that could be perceived as exercising undue influence on staff," Lysyk's report said. "We did not consider (Hodgson's) email to be in the same category."

[Hodgson believes the animosity from some board members \(https://www.stcatharinesstandard.ca/news-story/8725990-becoming-citizen-bill-part-two/\)](https://www.stcatharinesstandard.ca/news-story/8725990-becoming-citizen-bill-part-two/) was driven by his attempts to chart a new course for NPCA in its response to public criticism of its operations, including the agency's attempt to help a developer build on provincially protected wetlands in Niagara Falls.

[NPCA's advocacy \(https://www.stcatharinesstandard.ca/news-story/8955517-ag-npca-at-odds-over-biodiversity-offsetting/\)](https://www.stcatharinesstandard.ca/news-story/8955517-ag-npca-at-odds-over-biodiversity-offsetting/) — [which was noted in Lysyk's report \(https://www.stcatharinesstandard.ca/news-story/8931284-npca-needs-to-restore-public-trust-says-auditor-general/\)](https://www.stcatharinesstandard.ca/news-story/8931284-npca-needs-to-restore-public-trust-says-auditor-general/) — convinced many that the conservation authority had lost sight of its mandate. The agency's failed \$200,000 defamation suit against activist Ed Smith, who issued a report critical of NPCA's practices, only added to the perception.

"I was trying to tell them they needed to take steps to rebuild public trust, which was one of their most important assets," Hodgson said. "It didn't mean they were admitting guilt.

"What they did instead showed themselves to be tone deaf and unable to repair the damage. They doubled down on all of it and treated me as a co-conspirator with Ed Smith.

"They thought I was just playing for ovations, but I've never done that in my life."

Annunziata did not acknowledge multiple interview requests for this story.

In an email, NPCA spokeswoman Krstyle Caputo said Annunziata will not discuss the Auditor General report because "only the auditor general may speak to her report."

Asked what regulation prohibits NPCA from discussing the report, Caputo said there are no regulations, but NPCA "feels" only the authors of reports should speak about them.

The Standard asked why Annunziata will not discuss his own decisions and actions and the Auditor General's findings on the issue, but got no reply from Caputo or Annunziata.

Caputo directed reporters to a 2017 interview Annunziata gave to a community publication written before The Standard obtained the Gowling document and the Auditor General's report was issued.

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