
MEMORANDUM

AC-C 22-2019

Subject: Consideration of Reimbursement for Expense

Date: June 24, 2019

To: Audit Committee

From: Ann-Marie Norio, Regional Clerk

At its meeting held on June 20, 2019, Regional Council passed the following motion:

*That Consideration of Reimbursement for Expense **BE REFERRED** to the Audit Committee; and*

*That staff **BE DIRECTED** to provide a chronology respecting this request for reimbursement.*

Chronology

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| May 2017 | John Mascarin appointed as Interim Integrity Commissioner for Niagara Region (was Integrity Commissioner from December 2016) |
| July 2017 | Edward T. McDermott of ADR Chambers Inc. appointed as Integrity Commissioner for Niagara Region (replacing John Mascarin) |
| November 2017 | Regional Council Expense Policy approved. Prior to this time there was no expense policy for Regional Councillors. Expenses were paid upon submission |
| Jan 2018 | Invoice from John Mascarin dated January 31, 2018 for legal expenses for work performed in December 2017 |
| September 2018 | Submission of legal expenses to the Audit Committee for consideration of reimbursement in accordance with section 4.9(d) of the Regional Council Expense Policy which notes that expenses outside of the policy or Legal Indemnification Policy shall be submitted to the Audit Committee. As no legal proceedings were commenced against the former-Councillor, there is no entitlement to reimbursement under the Legal Indemnification Policy. Audit Committee passes the following motion: |

*That Correspondence Item AC-C 39-2018, being a memorandum from A.-M. Norio, Regional Clerk, dated September 10, 2018, respecting Consideration of Reimbursement for Expense, **BE RECEIVED** and the following recommendation **BE APPROVED**:*

*1. That the expenditure for legal fees in the amount of \$6,732.00, **BE APPROVED** by Regional Council, subject to the receipt of additional confidential information, requested by Audit Committee, at the Regional Council meeting being held on Thursday September 13, 2018.*

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| September 2018 | Regional Council was not in receipt of the additional information requested in the above motion, therefore the expense was not approved by Council |
| November 2018 | Previous term of Council ends |
| May 2019 | Request submitted to Audit Committee for consideration. Audit Committee approved reimbursement of expense |
| May 2019 | Regional Council approved minutes of the Audit Committee at its meeting on May 16, 2019 |
| June 2019 | Regional Council reconsiders its decision of May 2019 to approve the reimbursement of the expense, requests that it be referred back to the Audit Committee for consideration with a chronology of events surrounding the matter |

Extract from Regional Council Expense Policy related to the reimbursement of legal expenses is below for Committee's reference:

4.9. Legal Expenses

- a) Legal costs arising from or in any way related to complaints under the Code of Conduct are Eligible Expenses.
- b) Legal costs related to personal conflict of interest opinions are Ineligible Expenses.
- c) Costs involving certain legal proceedings against Members shall be reimbursed in accordance with the current legal indemnification policy and are subject to review by the Audit Committee for recommendation to Council.
- 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.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk