

Recommended amendments to Subsection 9(2) of the Complaint Protocol for the Code of Conduct for Members of Council regarding Members' legal expenses

Proposed amendments are noted below using ~~striketrough~~ for deletions and **bold, underlined** for additions.

Section 9 – Investigation

2. If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.

A Member who is the subject of an inquiry may consult with a lawyer.

- a. If the complaint is dismissed or no contravention is found, the Member may charge the applicable legal expenses to ~~their Constituency Services Budget~~ **the Council Administration Budget, subject to the conditions and requirements in Subsection 9(2)(c).**
- b. If a contravention is found, the Integrity Commissioner may determine that the applicable legal expenses will not be reimbursed by the City. After an inquiry has concluded, the Integrity Commissioner will disclose their determination to the Member, and the City Clerk as appropriate. **If the determination is that legal fees shall be reimbursed, the conditions set out under Subsection 9(2)(c) shall apply.**
- c. **The following conditions and requirements apply to a Member seeking to charge applicable expenses to the Council Administration Budget:**
 - i. **Prior to any reimbursement, the Member shall provide the City Clerk/City Clerk's designate(s) with original invoice(s) from the lawyer that detail hours worked, the fee per hour and the nature of work performed. The City Clerk/City Clerk's designate(s) may consult with the City Solicitor regarding reasonableness of any legal expenses, in line with the criteria set out under the City's Legal Indemnification Policy.**
 - ii. **Total legal expenses charged by Members to the Council Administration Budget shall be publicly disclosed on the City's website on an annual basis, and shall be anonymized in keeping with statutory requirements relating to confidentiality of the Integrity Commissioner's work.**