

Law, Legislative Services and Security Briefing to

Regular Meeting of Council

2023 December 12

ISC: UNRESTRICTED

C2023-1358

Report pursuant to the Council Indemnification Policy: Protocol for the Expenditure of Funds for External Legal Fees and Disbursements

BACKGROUND

On July 26, 2021, the Protocol for the Expenditure of Funds for External Legal Fees and Disbursements ("the Protocol") was communicated to Council through a Briefing Note (C2021-1138 Attachment 1). The written Protocol formalized the well-established practice that was utilized for many years by the current and former City Solicitor and General Counsel.

Section B.5 of the Protocol requires the City Solicitor and General Counsel or delegate to provide a briefing note to Council at the conclusion of any formal legal proceedings setting out the total amount expended on external legal fees and disbursements so long as, in the City Solicitor and General Counsel's sole discretion, any relevant legal privilege can be maintained.

CONCLUDED PROCEEDINGS

On November 23, 2021, Larry R. Heather, Benjamin Shepherd, and Carolina (Carla) Evers Commenced an action in the Alberta Court King's Bench challenging the validity and outcome of the 2021 Calgary Municipal Election and advanced specific allegations against Mayor Gondek. On December 13, 2021, Jody Balanko commenced an action in the Alberta Court of King's Bench also challenging the validity of the 2021 Calgary Municipal Election and advancing specific allegations against Mayor Gondek. Given the Law Department's role to support the Returning Officer, external counsel represented Mayor Gondek, which was paid for in part by The City pursuant to Council's Indemnification Policy. Both challenges were dismissed at the King's Bench level and unsuccessfully appealed to the Alberta Court of Appeal. Both matters have now fully concluded.

Pursuant to section B.5 of the Protocol, the City Solicitor and General Counsel can now advise that the total amount expended on external legal fees and disbursements for these two matters is as follows:

Action Numbers	Total Amount Expended
2101-14209 & 2201-0038AC	\$36,168.31
2101-10659 & 2201-0060AC	\$50,155.98

ATTACHMENTS

1. Council Policy CC010: Indemnification of Members of City Council
2. C2021-1138 Council Indemnification Policy: Protocol for the Expenditure of Funds for External Legal Fees and Disbursements including Attachment 1

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General Manager Jill Floen concurs with the information in this Briefing.