

## Request for Decision

### Auditor General's Request For Amendment of Purchasing By-law 2006-270 4.(3)

Presented To:	Audit Committee
Presented:	Monday, Aug 09, 2010
Report Date	Thursday, Aug 05, 2010
Type:	Managers' Reports
File Number:	OAG2010-3

### Recommendation

That the Audit Committee recommend to Council that the Purchasing By-Law and Delegation By-law be amended so as to allow the Auditor General to retain independent legal counsel, on behalf of Council, and in support of the Auditor General's Mandate and Workplan, as described in the Report from the Auditor General dated August 05, 2010.

#### Signed By

**Auditor General**  
Brian Bigger  
Auditor General  
*Digitally Signed Aug 5, 10*

## BACKGROUND

Currently, only certain individuals are permitted to retain outside legal counsel. In order to preserve the independence and integrity of the Office of the Auditor General, and to avoid any potential conflicts of interest, the Auditor General needs the authority to retain legal counsel. Further for these same reasons, the Auditor General will not use any law firms retained by the Corporation.

In accordance with corporate practice, a retainer letter or agreement will be issued for all legal work to be performed.

Also in accordance with corporate practice, monthly invoices will be requested. These invoices will be reviewed by the Auditor General and will be charged to the Auditor General's Purchased Service Account having a budget of \$17,861. Should legal services of significant value be required, which exceed the operating budget for purchased services, the Auditor General will report to the Audit Committee to request authority to charge those fees to the Auditor General's Reserve, which has a current balance of \$285,000.

Since Council is the Auditor General's client, the Auditor General will retain legal counsel on behalf of Council, and in accordance with the Auditor General's Mandate and approved Workplan.