

Without Prejudice

Thursday, March 31, 2011

Press - Press Release

Taxpayers of Pierrefonds-Roxboro ask that

- **Elected officials return to residents all inadmissible refunds received**
- **Borough & City comply with laws on reimbursements to elected official**

Notice from the Deputy Minister

The Deputy Minister Mr. Marc Lacroix ([MAMROT](#)) issued a notice on March 14, 2011 the council of Pierrefonds-Roxboro. Go to this link: <http://aprpr.org/?p=3548> to access the original notice in French and for a link to an unofficial English translation of the notice.

In the notice, the Deputy Minister advised Pierrefonds-Roxboro council:

- that reimbursements paid to certain elected officials for cell phone charges and costs of some meals have been incorrectly assumed by the borough
- and he requested that council put in place measures to ensure that the practices of reimbursements to elected officials be in accordance with applicable laws.

Residents are concerned

Residents are concerned the borough would have approved of certain types of payments to elected officials while on the other hand; the Ministry experts have concluded that these reimbursements were in fact inadmissible.

Residents participating in the Association of Proprietors and Residents of Pierrefonds-Roxboro (APRPR - <http://aprpr.org>) request that the borough and City recover all the money that should not have been paid to elected officials and that they put corrective measures in place so as to better protect the financial interests of the residents.

Corrective measures

Corrective measures should include among others:

1 - That the borough reviews all reimbursements to elected officials and where applicable, any reimbursements deemed ineligible are repaid back to the borough
- See 1.1, 1.2, 1.3 in Appendix 1.

2 - That the Borough and the City understand and correct any errors and weaknesses that led to these inadmissible reimbursements and inform residents of the corrections that have been implemented - see 2.1 in Appendix 1.

3 - That council confirms that it will respect the rights of residents to continue to ask questions about borough finances during council question period - See 3.1 in Appendix 1

4 - That council reads the notice of the Deputy Minister, as prescribed in the notice, at the next regular council meeting and publish the notice on the website of the borough - see paragraph 4.1 in Appendix 1

5 - That Council further improves the transparency in the procurement of tickets to council members to fundraising events by approving such expenditures at least three months in advance of the date of events. - See 5.1 in Appendix 1

6 - That borough or City residents should not have to pay the costs associated with the recovery of inadmissible reimbursements that were made to elected officials - see 6.1 in Appendix 1

7 - That the borough publish on a yearly basis, clear and easily accessible details of all reimbursements to elected officials and employees - see 7.1 Appendix 1

8 - Finally residents are seeking assistance and continued support from the Ministry of Municipal Affairs on this issue by asking that office:

- To provide additional details on refunds ineligible
- To continue to assist and support residents by continuing its investigation to ensure that necessary corrections have been implemented
- To become aware of at least 5 other cases of interest MAMROT and the Ombudsman about the Montreal are investigating
- For more details on this see section 8.1 in Appendix 1

We thank the resident who took the initiative to ask the ministry to investigate these matters and we also thank the Ministry experts for their work on this issue.

For more information

Ed Hoyer
Pierrefonds-Roxboro
Tel: 514-684-2552

Lewis Poulin
Pierrefonds-Roxboro
Tel: 514-684-3398 (available weekends but weekdays only after 5pm)

See also the important additional details in Appendix 1 below

Appendix 1

Additional details concerning the APRPR press release of March 31, 2001

1.1 Concerning inadmissible reimbursements paid to elected officials for cell phone use, the borough of Pierrefonds-Roxboro and the City of Montreal should:

- Ensure that those who have received inadmissible refunds have taken all necessary actions to pay for these costs and return the full amounts of inadmissible refunds back to the borough
- Check and confirm the validity of all types of reimbursements paid to elected officials since at least 2002, including an audit of reimbursements for expenses associated with the use of the home Internet
- Have their audits checked and approved by an independent third party
- Publish the results of investigations at the earliest opportunity to inform residents, preferably in the borough newsletter.

1.2 Concerning reimbursements to elected officials related to the costs of certain meals including those of the mayor, the borough and the City of Montreal should, as soon as possible:

- Complete an inventory of all reimbursements for meals since at least 2002
- Confirm what reimbursements were in fact inadmissible
- Confirm that inadmissible reimbursements are paid back in full to the borough
- Have their audits checked and approved by an independent third party
- Publish the results of investigations at the earliest opportunity to inform residents, preferably in the borough newsletter.

1.3 Concerning reimbursements of costs related to the positions of elected officials and that may not be reimbursed, such as some meals, purchase of flowers or other tokens of recognition etc. and which must be paid out of the expense allowance of elected officials for this purpose, the borough and the City of Montreal shall, as soon as possible:

- Make an inventory of all such refunds since at least 2002
- Ensure that those who have received refunds ineligible restore these reimbursements to the borough
- Have their audits checked and approved by an independent third party
- Publish the results of investigations at the earliest opportunity to inform residents, preferably in the borough newsletter.

2.1 The Borough and the City should understand and correct errors that led to these inadmissible reimbursements and then inform residents of the corrections applied, including among others:

- Who in the borough and / or City contributed to the approval of these reimbursements, now deemed to be inadmissible?
- Why did the experts of the borough and City not recognize that these particular expenses were ineligible for reimbursements?
- How is it that one of the elected officials, mentioned in the deputy minister's notice, received inadmissible reimbursements when this elected official also happens to be President of the Committee on Finances?
- Associated with this issue, why did a lawyer with the law firm providing contract services for the borough deliver a "cease and desist" letter to a Pierrefonds resident and in which the lawyer describes expenses as "legitimate and legal" while the deputy minister in his notice deemed these same expenses to be inadmissible for refunds by the borough? Why the discrepancy between this law firm and the deputy minister?
- Why was Article 52 of the Act respecting Cities and Towns not able to be used in order to prevent the inadmissible refunds? Article 52 of the Act reads:

52. The mayor shall exercise the right of superintendence, investigation and control over all the departments and officers or employees of the municipality, and especially shall see that the revenue of the municipality is collected and expended according to law, and that the provisions of the law and all by-laws, rules and regulations of the council are faithfully and impartially enforced. He shall lay before the council such proposals as he may deem necessary or advisable, and shall communicate to the council all information and suggestions relating to the improvement of the finances, police, health, security, cleanliness, comfort and progress of the municipality.

- What actions will be taken against those responsible for these violations in order to ensure they are now fully aware of the law on this subject?
- How will the borough ensure tighter controls of cellular accounts to ensure that the costs of long distance personal or professional (related to their employment, if applicable) are actually borne by elected officials?
- How will the borough and council enforce tighter controls over reimbursements concerning meal expenses and home internet use?
- When will these tighter controls be implemented?
- Do we know which expenses reimbursed to elected officials have not been mandated by council?
- What is the exact total of ineligible reimbursements that have been paid since at least 2002?

3.1 Council confirms that it will respect the rights of residents to continue to ask questions about borough finances during question periods as stated by the Deputy Minister in the notice of 14 March 2011

4.1 That the borough council read and publish the notice of the Deputy Minister at the next regular meeting of the board by ensuring that:

- The notice be read publicly at the next regular council meeting April 4, 2011 19: 00
- Council includes the full text of the notice in the minutes which will be accessible to residents via the district website once adopted by the board
- The borough publish the notice of the Deputy Minister on the web page where notices are normally published in the borough
- The borough publishes the notice of the Deputy Minister in newspapers such as Cite News, The Chronicle West Island Gazette, etc...

5.1 To improve transparency it is asked that when council approves the purchase of tickets to elected officials to attend fundraising events, that council approves these expenditures at least three (3) months in advance of the date of the event:

Even if the deputy minister stated that expenditures for purchases of tickets for fundraising events were supported by council resolutions:

- It is in the public interest for the sake of transparency that council, if it chooses to approve such expenditures, approves this expense a minimum of three (3) months before the event so that taxpayers can more easily see these expense approvals in the minutes of council before the event actually takes place
- There are at times approvals for such fundraising expenses that are approved by council where the event takes place on a date that is between the council meeting approving the expense and the date on which the council minutes are approved.

6.1 That the Borough publishes all reimbursements on its website -

- We invite the borough to publish on its website, every year, the list of all reimbursements dispensed by the borough
- And to make it more user-friendly to access all information related to all borough reimbursements on its website

7.1 Concerning the costs of performing these audits and recovering inadmissible reimbursements:

- It should not be left to taxpayers to have to pay additional costs of audits to correct errors related to inadmissible reimbursements
- It should be clearly determined who will reimburse these additional expenses related to audits and recovery of all inadmissible reimbursements made by the borough, including those deemed ineligible by the Deputy Minister of MAMROT

8.1 Residents request assistance from MAMROT on the opinion of March 14, 2011

Residents intend to make application to MAMROT to:

- Obtain a copy of the audit details that led to the notice dated March 14, 2011, including the total amount of inadmissible reimbursements in their investigation
- Ask MAMROT to broaden the net and perform an audit, or ensure an audit is done, on all reimbursements paid out by Pierrefonds-Roxboro since at least 2002
- To follow up with the borough council as soon as possible and to explicitly confirm that the activities reported March 14, 2011 have been fully and correctly implemented
- To obtain confirmation that there will be quick and prompt follow up on this investigation if new evidence comes to their attention
- We also want to ensure MAMROT experts are aware that there are another 5 cases or investigations that strongly support the residents' request for a stricter vigilance on the activities of Pierrefonds-Roxboro. These files of interest are described below:

A- Another MAMROT investigation is currently underway on the request to determine if public funds have been used to pay for a cease and desist order delivered on behalf of elected officials to a Pierrefonds-Roxboro resident

B-The Montreal Ombudsman has concluded in a recent investigation errors and irregularities were done on behalf of the borough during recent and important zone change #1047-214. It had been left to a resident to bring these errors and irregularities to the Ombudsman and borough's attention. More details in the following link:

http://aprpr.org/wp-content/uploads/2011/03/OmbudmanMontreal_1047-214_lot5AveNord_20110210.pdf and <http://aprpr.org/?p=434>

C-There is another MAMROT investigation in progress concerning the #1047-214 zone change and information is available at:

http://aprpr.org/wp-content/uploads/2010/09/MAMROT_Complaint_Register21-22June2010_20100924.doc

D- Residents have become aware recently of the risks associated with the manner in which Pierrefonds-Roxboro council approves bylaws. A recent example is from June 2010 when council adopted more than 1,000 pages of zoning regulations, changes that had been prepared by a private consultant, and yet council adopted these changes without having first read the full extent of the documents before adopting them. On the other hand, they had asked residents to read those documents between Feb 9 and June 2010. See an information page on this topic at: <http://aprpr.org/?p=1117>

Finally

E- Recently, another request for assistance was sent to MAMROT Minister Lessard requesting increased assistance from his staff to protect the interests of residents with respect to loan applications he may receive from the borough:

http://aprpr.org/wp-content/uploads/2011/02/Lettre_MinistreMAMROT_20110203.doc

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