

Office of the City Solicitor Review

CAO Department

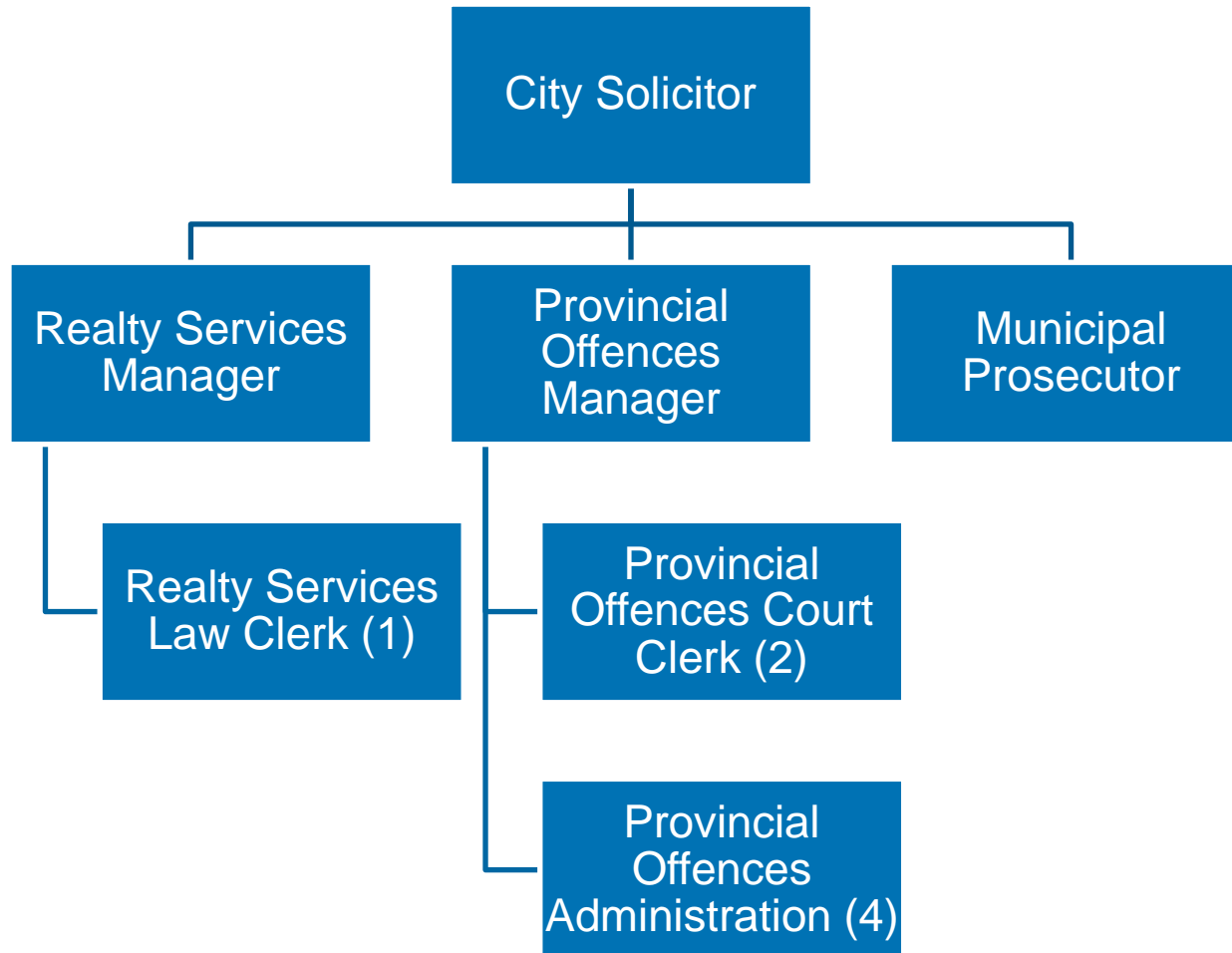
Core Service Review



What are we doing now?

The Legal Services Department is responsible to provide internal municipal legal services and advice to all areas of the Corporation and Council, and manages outside legal expertise as required. This Department provides oversight to the City's Provincial Offences and Realty Services (formerly Land Management) Divisions.

What are we doing now?



What is it costing us?

- City Solicitor: General Legal Budget; \$200,000 / annum
 - City Solicitor costs the City \$185,511 / annum (all in of salary, benefits, training, membership costs). This works out to \$108.17 / hour.
 - External legal costs on average: \$300 / hour, \$400 / hour, or \$500 / hour, depending on the nature of the work
- Risk Management Division: \$510,000 / annum
- Human Resources Department: \$125,000 / annum
- Planning Department: Ontario Municipal Board: \$60,000 - \$100,000 / annum

Objectives of the Office of the City Solicitor

- Maximize cost avoidance across all operating budget lines that are set aside for legal costs by:
 - Litigation: avoiding litigation or, when litigation cannot be avoided, providing litigation oversight to large and complex files or providing legal services for smaller matters
 - Advice: providing legal advice to internal departments and Counsel
 - Corporate/ commercial: assist Purchasing and other departments in the award of contracts and the drafting of agreements and contracts between the City and third parties
 - Realty Services: Assist Realty Services in the drafting of leasing and licensing agreements.
- Cost avoidance achieved by the Office of the City Solicitor estimated at \$198,000 in 2015.

How work is triaged and workload is assessed within the City Solicitor Office

- Address urgent and important work first, followed by important work / urgent work, followed by work that is both less important and less urgent.
- Current workload results in work being addressed on an urgent and important basis.
- Turnaround times (for matters that are important but not urgent) are a problem, which results in some overhead and customer service implications.
- Turnaround times are used as a measure of workload.
- Turnaround times affected by: contract start for City Solicitor (June 2014); Core Service Review; spike in litigation workload 2015 by passage of several Official Plans, Development Charge By-law and the negotiation of several collective bargaining agreements.

When Work is Externalized

- Most legal work that is externalized is litigation: Matters proceeding in the Superior Court of Justice by application or claim (claims greater than \$25,000)
 - Externalized under the Risk Management budget if this is an errors/omissions/negligence claim against the City (deductible is \$100,000)
 - Externalized under the General Legal budget if it is an application or matter commenced by the City
 - Similarly, larger planning matters before the Ontario Municipal Board externalized under the Planning budget
 - Only larger municipalities that can bring in a minimum of 3 lawyers would be able to internalize 95% of this work
- Some work is externalized because it exceeds the internal skill set: more complex corporate/ commercial, development, real estate and employment law matters.

Options for Service Delivery

Scope of Work Options

- Work with Planning and Asset Management to schedule passage of zoning by-laws, official plans and DC by-laws to either:
 - occur at the same time, with potential 1 year contract (lawyer) to address ; or
 - be spread out, so work can be better managed in house
(recommended)
- Training in-house staff to take more responsibility in collective bargaining process (recommended)
- Remove management responsibilities from the City Solicitor; City Solicitor provides legal services only: reductions in Council and Senior Management Meetings attendance and management responsibilities to gain up to 1 day / week (not recommended)

Staffing Options: Recommendations

Staffing Options

- Maintain status quo: 1 lawyer
- Collapse the Legal Services Department: Allow the City Solicitor contract to lapse, move the management of the Realty Services Division and Provincial Offences Division to other Departments, and externalize all legal work to external counsel
- Increase the Legal Services Department: Add a second lawyer and 0.5 admin assistant

Conclusion

- Provincial trends for municipal populations of a similar size to Kawartha Lakes are evenly balanced between either a 1 lawyer delivery model or a 2 lawyers and 1 administrative assistant delivery model
- No recommended additional staffing at this time
- Continue to monitor turnaround times as an indicator of workload pressures
- Once external workload pressures lighten (anticipated 2017 or 2018), re-evaluate service delivery options