

About the Legal Services Department

The Legal Services Department provides a full and broad range of legal services to the Town of Aurora, its elected Council and appointed Committees, as well as the Chief Administrative Officer, the Executive Leadership Team and staff. The role of the Legal Services Department changes constantly to meet the diverse and complex needs of the Town as it continues to evolve. The primary function of the Department is to provide legal advice and opinions, interpretation of legislation, review of agreements, and litigation representation and management. The Department also acts in an advisory capacity with respect to various matters, while providing this broad array of services to its client departments in an economical and efficient manner.

The Legal Services Department also serves to protect and defend the Town's interests in litigation and administrative law matters by attending hearings, dispute resolution sessions and other proceedings before the courts and tribunals, including the Ontario Municipal Board. The Department also conducts legal research and prepares legal opinions pertaining to the Town's rights, duties, powers, and obligations pursuant to provincial and federal legislation, its own by-laws and policies, as well as pertinent case law.

The legal field is extremely broad and diverse and, as such, the Legal Services Department provides a very broad array of services in different areas of the law. The areas of law primarily practiced in the Department are planning and development, real estate, administrative, civil litigation, municipal, contract, computer and information technology, mediation, arbitration, dispute resolution, and procurement.

Services That We Provide

The most frequent services the Legal Services Department provides to the Town are:

- Legal, strategic, risk management and policy advice to Council, the Chief Administrative Officer, Executive Leadership Team, client departments, and Town committees;
- Legal representation, advice and direction pertaining to the Town's services and operations;
- Preparation, review and interpretation of agreements for the provision or acquisition of goods and services by and for the Town;
- Preparation, review and interpretation of Town by-laws;

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- Real estate services including title searches, the preparation of documents, and the negotiation and completion of real property matters, including, but not limited to: purchases, sales, leases, easements, encroachments, tax sales and expropriations;
- Planning and development-related legal services including advice, preparation, registration and final review of all development agreements, including, but not limited to: plans of subdivision, condominiums, site plans, minor site plans, tree preservation, and Oak Ridges Moraine simplified agreements;
- Institute and implement processes, procedures, methods and actions required for valuations to determine the cash-in-lieu of parkland payable for development applications;
- Protecting and defending the Town's interests in litigation and administrative tribunal matters by attending hearings, dispute resolution sessions and other proceedings, including those before the courts and the Ontario Municipal Board, amongst others;
- Review, advise and report on recently enacted and pending legislation and its impacts on the Town;
- Review, advise and prepare administrative policy and procedure documents;
- Develop and standardize agreements, contracts and licenses for use by the Town, when required; and
- Conduct legal research and prepare legal opinions pertaining to the Town's rights, duties, powers, and obligations pursuant to provincial and federal legislation, its own by-laws and policies, as well as pertinent case law.

Key Objectives for 2012

Improved Operational Efficiency

- Monitor litigation and administrative tribunal proceedings, taking an active role in same where appropriate.
- Identify, update and create document precedents for client departments to improve corporate efficiency and aid corporate standardization while adhering to risk management strategies for the Town.
- Develop an internal customer service protocol through which the Legal Services Department will set out and monitor its response times to routine and special requests of client departments for legal services.

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- Within the department, develop and implement a strategy to respond to the employee engagement survey.

Positioning for Our Future

- In conjunction with proposed amendments to the Town’s Business Licensing By-law and other regulatory by-laws, create a “Licensing Committee” and/or “By-law Appeals Committee”, composed of lay members, to deal with certain appeal matters arising under applicable Town by-laws.
- Create and implement a new Administrative Policy and Protocol with respect to marijuana grow operation response and cost recovery, in consultation with the Building & By-law Services Department.
- Review and update Administration Procedure No. 55: Real Estate Sales, Purchases and Leases, and the Town’s Land Sale By-law, which will incorporate the sale of land through the tax sale process. This tax sale process will be managed by Corporate & Financial Services, with Legal Services in an advisory role.
- Amend the Cash-in-Lieu of Parkland By-law, taking into account high density development and streamlining the evaluation process, in consultation with the Planning & Development Services Department.

Client Service and Satisfaction

- Implement Council’s direction regarding the disposition/acquisition of any Town landholdings, and attend to obtaining any necessary appraisals as well as the preparation, delivery and execution of all legal documentation and fulfillment of legislative requirements regarding any instructed landholding disposition/acquisition.
- Maintain the Town’s legislative compliance and provide advice and interpretation to client departments with respect to same.
- Investigate activities to continuously improve client and stakeholder service levels.

Key Performance Measures

| Key Performance Measure | 2012 Target |
|---|--|
| Review of standard, non-complex by-laws for form and legislative compliance | Five (5) business days |
| Review of standard/routine procurement documents prior to release of advertisement for bidding | Five (5) business days |
| Appropriate tracking of external legal expenses and monitoring of external advocacy budget (including OMB advocacy) | Stay within 2012 external advocacy budget (including OMB advocacy) |

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Full-Time Approved Complement:

| | Starting Approved | 2012 Request |
|------------------|----------------------|-----------------|
| • Legal Services | 5FT 5FT | - |

Expenditures:

The Department's total expenditure budget has decreased 22.2% from 2011, which is attributed to Other Expenditures, especially Planning & Development (for OMB Advocacy). The decrease in the Planning & Development account (for OMB Advocacy) in the Department's budget has had a significant impact on the Department's budget for 2012.

The Department's Other Expenditures, specifically the Planning & Development account, was notably increased in 2011 to reflect the current need to rely on specialized external legal counsel, specifically for matters before the Ontario Municipal Board in 2011, including the 2C Lands.

With regard to personnel costs for the Department, salaries and benefits for existing staff increased 2.7% as a result of step rate progressions of applicable staff and benefits cost increases.

Revenues:

The Legal Services Department has increased its revenue levels by 6.3% for its general revenue accounts, which is attributed to a 2% increase in the Department's charges contained in the Town's Fees & Services By-law.

Legal Services Department Staff Complement:

5 Full-Time

Director of Legal Services/Town Solicitor
Associate Solicitor
Law Clerk (Real Property)
Law Clerk (Litigation/General Municipal)
Administrative Assistant (Legal)

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2012 Budget Highlights:

The overall departmental costs and revenues are as follows:

| Legal Services | 2010 Actual | 2011 Actual (unaudited) | 2011 Budget (adjusted) | 2012 Final Budget | 2012 Budget vs 2011 Budget Fav / (UnFav) | |
|--|------------------|-------------------------|------------------------|-------------------|--|----------------|
| | | | | | \$ | % |
| Personnel Costs | 484,200 | 549,000 | 547,700 | 562,300 | (14,600) | (2.7%) |
| Other Costs: | | | | | | |
| External Legal Costs ¹ | 647,100 | 1,076,000 | 450,000 | 200,000 | 250,000 | 55.6% |
| Cost Recovery on above (from Region) | - | (95,000) | - | - | - | - |
| Personnel Administration ² | 87,600 | - | - | - | - | - |
| Searches & Registrations | 13,700 | 12,900 | 20,000 | 20,000 | - | - |
| Subscriptions/Publications | 16,900 | 17,100 | 16,000 | 16,000 | - | - |
| Cost Reallocations ³ | (50,000) | (50,000) | - | - | - | - |
| All Other Expenditures | 12,500 | 20,600 | 34,800 | 32,600 | 2,200 | 6.3% |
| Total Other Costs | 727,800 | 981,600 | 520,800 | 268,600 | 252,200 | 48.4% |
| Total Expenditures | 1,212,000 | 1,530,600 | 1,068,500 | 830,900 | 237,600 | 22.2% |
| Revenues: | | | | | | |
| Administration Fees | (10,200) | (15,700) | (11,000) | (12,000) | 1,000 | 9.1% |
| Legal Fees | (6,400) | (3,200) | (5,000) | (5,000) | - | - |
| Transfer from Legal Reserve ¹ | (323,000) | (251,100) | (250,000) | - | (250,000) | 100.0% |
| Total Revenues | (339,600) | (270,000) | (266,000) | (17,000) | (249,000) | (93.6%) |
| Net | 872,400 | 1,260,600 | 802,500 | 813,900 | (11,400) | (1.4%) |

¹ drop in 2012 reflects completion of high OMB Hearing Costs related to 2C

² Legal Costs related to Human Resources moved to H.R. in

2011

³ moved to Corporate Revenue & Expense for 2012 (and 2011's comparable adjusted budget)