

### **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 Municipality 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 Municipality'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 spectrums of the law. The areas of law primarily practiced in the Department are Planning and Development, Real Estate, Administrative, Civil Litigation, General 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 our Client Departments and stakeholders are:

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

- 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 plan, 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 Municipality;
- Review, advise and prepare administrative policy and procedure documents;
- Develop and standardize agreements, contracts and licenses for use by the Municipality's Departments, when required; and
- Conduct legal research and prepare legal opinions pertaining to the Municipality'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 2010**

#### **Improved Operational Efficiency**

- Review and update procedures regarding Parkland Dedication/Cash-in-Lieu of Parkland Dedication;
- Review and update Administration Procedure No. 55 regarding Real Estate Sales, Purchases and Leases and existing Land Sale By-law;
- Review and update Administration Procedure No. 52 regarding the Town's Litigation Claims Process; and
- Develop a protocol with the Client Departments for the handling of matters that arise throughout the year and the manner and anticipated timelines by which any legal work required in such matters shall be provided, based on other competing priorities existing at the time, whether for Council or the Administration.

**Positioning for Our Future**

- Create and implement a new Administration Procedure in relation to the public sale of land through the Tax Sale process, by way of public tender or public auction, in concert with the Corporate & Financial Services Department; and
- Initiate a complete review of all Municipal By-laws to ensure their currency and that they are reflective of the current legislative framework.

**Client Service and Satisfaction**

- Implement Council's direction regarding the disposition of any municipal 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;
- Consult and review with the Department Heads their respective annual work-plans and projects with a view to determining what legal work shall be required and at what time. On the basis of the compilation of all the presented Departmental work-plans and projects, establish timelines by which Departmental requests for legal assistance shall be made and a timeline by which such legal work shall be provided, based on the complexity, volume and nature of the Departmental matter;
- Continue to maintain legislative compliance corporately and provide advice and interpretation to the Client Departments with respect to same;
- Undertake activities to continuously improve client and stakeholder service experience; and
- Align the skill sets of Departmental staff in order to provide the required specialized, technical legal assistance to create a more cohesive, efficient and resilient Department capable of meeting the needs of the Town.

**Full Time Approved Complement:**

	2009 <u>Approved</u>	2010 <u>Approved</u>
• Legal Services	<u>4FT</u> 4FT	<u>5FT</u> 5FT

**Expenditures:**

The Department's base budget is relatively unchanged from 2009; however, the specific factors that have had the most significant impact on our budget for 2010 are the changes to the Advocacy and Personnel Advocacy accounts and the removal of the Integrity Commissioner line item from the Department's budget.

Previously, the Integrity Commissioner was remunerated through the Legal Services Department budget. Recently, due to the reorganization of the Town's Departments, this expenditure has been moved to the Customer & Legislative Services Department to properly align the budget item with the function of the Town Clerk. This resulted in a \$15,000 credit to the Legal Services Department budget.

The Town's Advocacy account has notably increased to reflect the current need to rely on external legal counsel for specific matters to meet the demand for specialized legal services.

In addition, the Personnel Advocacy account has increased significantly to take into consideration the negotiation of a new CUPE Agreement in 2010. It is anticipated that the Personnel Advocacy account will be reduced to its now-current level in 2011.

Further, it is a key objective of the Department to be the sole provider of legal services to the Town and to further reduce external advocacy-related costs. In order to meet this key objective and to more effectively manage the consistently increasing workload in the Department, additional staff is not only necessary, but required in order to deal with these and other pressures. An Administrative Assistant is included in the 2010 budget to assist with the increasing workload.

**Revenues:**

The Department's revenues have shown a significant reduction as a direct result of changes that have been implemented internally within the Planning & Development Services Department ("Planning"), as those changes relate to fees collected for planning and development applications. With the new allocation method, Planning will retain all of the fees collected from the development application process, thereby significantly reducing the revenue stream of the Legal Services Department. The Department will continue to collect and retain minimal revenues from the Town's Fees and Services By-law for the drafting and review of basic and complex agreements, and for attending to land registration matters. The Department will also continue to maximize the Town's Cash-in-Lieu of Parkland Reserve Account as reflected in the Parks & Recreation annual budget.

In addition, the cost recovery from the Building & By-law Services Department has been realigned and placed into the "Other Expenditures" category. The recovery amount has been increased from \$15,000 to \$50,000, which has significantly reduced that portion of the budget.

**Legal Services Department Staff Complement:**

(4) Full Time + 1 New Request

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

**2010 Budget Highlights:**

	Actuals as of Dec 31, 2008	Preliminary Actuals Dec 31, 2009	2009 Approved Budget	2010 Approved Budget	Variance Unfavourable (Favourable)	%
<b>Personnel Costs</b>						
Base Budget	233,700	411,800	389,900	473,200	83,300	21.36%
Admin Assistant	0	0	0	64,700	64,700	100.00%
Personnel Costs	233,700	411,800	389,900	538,000	148,100	37.98%
<b>Other Expenditures</b>						
Advocacy	382,200	217,000	125,000	150,000	25,000	20.00%
Personnel Admin	72,300	43,800	35,000	55,000	20,000	57.14%
Other Expenditures	55,700	68,900	97,200	64,200	(33,000)	(33.95%)
	510,200	329,700	257,200	269,200	12,000	4.67%
<b>Total Expenditures</b>						
	743,900	741,500	647,100	807,200	160,100	24.74%
<b>Revenues</b>						
	(262,600)	(25,800)	(51,000)	(16,000)	35,000	68.63%
	481,300	715,700	596,100	791,200	195,100	32.73%