

# **Legal Services**

**Department: City Manager's Office**

**City Manager: Kent Kirkpatrick**

**Branch: Legal Services Branch**

**City Solicitor: M. Rick O'Connor**

### **I. Branch Overview**

#### **Branch Objectives**

The objectives of the Legal Services Branch are to provide timely, useful and accurate legal advice and services in the most efficient and cost-effective manner through both in-house and external legal resources; and to minimize and manage the City's exposure to risk and liability. Legal Services is responsible to:

- Provide civil litigation services, both by and against the City of Ottawa;
- Provide Labour and Employment Law services, including appearances before tribunals in relation to arbitrations and Human Rights complaints;
- Provide prosecution services including Provincial statutes and City Regulatory By-laws;
- Provide Planning and Development Law services including agreement and by-law preparation and appearances before the OMB;
- Provide Corporate and Commercial Law services including preparation of agreements and contracts, real estate/conveyancing/title searching services and by-law and legislative drafting;
- Limit the City's liability; protect human life and corporate assets against loss and damage while reducing to a prudent minimum, the cost of managing risk with an aim to safeguard the City against excessive loss.

### **II. 2008 Considerations**

#### **Branch strategic directions for 2008**

- Address anticipated challenges involving environmental issues and City landfills as the City strives to reach its environmental goals looking at how new and emerging technologies may be used to turn waste into a resource.
- Prepare and defend the Comprehensive Zoning By-law and subsequent appeals so that new growth is integrated seamlessly with established communities.
- Enhance the ability of Council to set strategic direction of the City by providing legal interpretation and representation before courts and tribunals with respect to broader powers provided to municipalities as a result of Bill 130.
- In conjunction with the City Clerk, amend the relevant by-laws to reflect the appropriate delegation of authority to Standing Committees, ward Councillors and staff improving Council's ability to provide strategic direction to the City
- Provide legal advice and leadership with respect to clarifying conflict of interest and code of conduct policies for elected representatives and City staff.
- Provide legal advice and guidance on procurement and Public-Private Partnership ("P3") matters to facilitate the development of innovative and cost-effective ways for delivering new and/or revitalized recreation facilities.
- Provide legal advice and guidance on Provincial and Federal legislation, and review and draft agreements that provide funding to the City to ensure the City can grow its green space and continue to offer programs such that every resident, particularly children, has an opportunity to participate.

# Legal Services - Reduction Options

Program / Service Adjustment	Code	2008 Reductions				2009 Reductions				Total	
		Expend.	Rev / Rec	Net	FTE's	Expend.	Rev / Rec	Net	FTE's	Net	FTE's
		\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
<p><b><u>Option - 1</u></b> Reduce the level of legal service provided in the area of claims investigation and processing.</p> <p><b><u>Impact on Public / City Departments</u></b> Will cause significant delays to process/investigate claims made by the public. Delays will likely increase the amount of litigation claims filed in the Courts against the City and assigned to Legal Services lawyers as a result of the two-year standard statutory limitation period. RMay also have a negative impact on the City's insurance premiums. Negotiated settlements during longer litigation processes are often higher (longer proceedings, legal costs, etc.) as opposed to those that are resolved early on as part of the investigative process.</p>	E	80	-	80	1.60	-	-	-	-	80	1.6
<b>Total</b>		80	-	80	1.60	-	-	-	-	80	1.6

<p>A - Revenue Solution B - Reduced Operating Need C - Deferred Capital</p>	<p>D - Program / Service Reduction - Increased Growth E - Program / Service Reduction</p>
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# **Operating Requirements**

Department: *City Manager's Office*  
 Branch: *Legal Services*

**Provisionally Approved Operating Resource Requirement**

By Program	2006		2007			2008	
	Actual	Budget	Unaudited Actual	Budget	Actual vs. Budget	Provisionally Approved	Approved vs. Budget
	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Legal Services	7,586	7,100	8,793	7,784	(1,009)	7,909	125
<b>Total Expenditures</b>	<b>7,586</b>	<b>7,100</b>	<b>8,793</b>	<b>7,784</b>	<b>(1,009)</b>	<b>7,909</b>	<b>125</b>
Client Recoveries	(1,663)	(1,283)	(2,080)	(1,283)	797	(1,293)	(10)
Productivity Improvements	-	-	-	-	-	(30)	(30)
Water & Sewer Cost Allocation	(354)	(354)	(354)	(354)	-	(364)	(10)
<b>Net Expenditures</b>	<b>5,569</b>	<b>5,463</b>	<b>6,359</b>	<b>6,147</b>	<b>(212)</b>	<b>6,222</b>	<b>75</b>
<b>Revenues</b>							
Federal / Provincial	-	-	-	-	-	-	-
City Reserves	-	-	(250)	(250)	-	(250)	-
General/Fees/Charges	-	(162)	-	-	-	-	-
<b>Total Revenues</b>	<b>-</b>	<b>(162)</b>	<b>(250)</b>	<b>(250)</b>	<b>-</b>	<b>(250)</b>	<b>-</b>
<b>Net Requirement</b>	<b>5,569</b>	<b>5,301</b>	<b>6,109</b>	<b>5,897</b>	<b>(212)</b>	<b>5,972</b>	<b>75</b>
<b>By Expenditure Type</b>							
Compensation and Benefits	5,166	5,792	5,405	6,000	595	6,115	115
Materials and Services	2,366	1,277	3,341	1,749	(1,592)	1,759	10
Transfers/Grants/Financial Charges	-	-	-	-	-	-	-
Fleet Costs	-	-	-	-	-	-	-
Program Facility Costs	-	-	-	-	-	-	-
Other Internal Costs	54	31	47	35	(12)	35	-
<b>Total Expenditures</b>	<b>7,586</b>	<b>7,100</b>	<b>8,793</b>	<b>7,784</b>	<b>(1,009)</b>	<b>7,909</b>	<b>125</b>
<b>Full Time Equivalents</b>	<b>70.63</b>	<b>70.63</b>	<b>70.63</b>	<b>70.63</b>	<b>-</b>	<b>70.63</b>	<b>-</b>

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Provisionally Approved Resource Requirement Analysis

By Program	2007 Budget	2007 Adjustments	Maintain Existing Services	Provincial / Legislated	Growth	New Operating Needs	Efficiency Target	User Fees / New Revenues	2008 Provisionally Approved
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Legal Services	7,784	(250)	125	-	-	250	-	-	7,909
<b>Total Expenditures</b>	<b>7,784</b>	<b>(250)</b>	<b>125</b>	<b>-</b>	<b>-</b>	<b>250</b>	<b>-</b>	<b>-</b>	<b>7,909</b>
Client Recoveries	(1,283)	-	(10)	-	-	-	-	-	(1,293)
Productivity Improvements	-	-	-	-	-	-	(30)	-	(30)
Water & Sewer Cost Allocation	(354)	-	(10)	-	-	-	-	-	(364)
<b>Net Expenditures</b>	<b>6,147</b>	<b>(250)</b>	<b>105</b>	<b>-</b>	<b>-</b>	<b>250</b>	<b>(30)</b>	<b>-</b>	<b>6,222</b>
<b>Revenues</b>									
Federal / Provincial	-	-	-	-	-	-	-	-	-
City Reserves	(250)	250	-	-	-	(250)	-	-	(250)
General/Fees/Charges	-	-	-	-	-	-	-	-	-
<b>Total Revenues</b>	<b>(250)</b>	<b>250</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(250)</b>	<b>-</b>	<b>-</b>	<b>(250)</b>
<b>Net Requirement</b>	<b>5,897</b>	<b>-</b>	<b>105</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(30)</b>	<b>-</b>	<b>5,972</b>
<b>Full Time Equivalent</b>	<b>70.63</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>70.63</b>

Category	Note	Exp \$000	Rev \$000	Net \$000	FTE'S #
<b>2007 Adjustments</b>	Removal of 2007 one-time requirement to address external legal services required for environmental/landfills issues, as previously approved by Council on August 23, 2006; being Item 1, Planning and Environment Committee Report 53.	(250)	250	-	-
<b>Maintain Existing Services</b>	All programs include an adjustment for 2008 contract settlements.	115	-	115	-
	Anticipated legal service costs to support the Para Transpo group as per the Para Transpo Tender for Service Delivery (Reference: Report ACS2007-PTE-TRA-0004, City Council May 9, 2007).	10	-	10	-
	Increase in water and sewer allocation due to inflationary cost factors.	(10)	-	(10)	-
	Full cost recovery of Para Transpo initiative from Transit Services.	(10)	-	(10)	-
		<b>105</b>	-	<b>105</b>	-
<b>Provincial / Legislated</b>	-	-	-	-	-
<b>Efficiency Savings</b>	Allocation of the 2008 productivity improvements as identified by the City Manager, which will be achieved through continuous process improvement initiatives to ongoing administrative and service delivery operations.	(30)	-	(30)	-



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**Details of Growth & New Operating Needs**

Description of Pressure - New Operating Needs	Recommended Category	Service Impacts on Public	Exp \$000	Rev \$000	Net \$000	FTE'S #
As part of the 2005 Management Control Framework Audit, Council agreed to modify the existing integrated risk management policy; capture as part of branch reviews, the 3-5 most significant risks for each branch and how those risks are addressed; and develop a course to be offered in the latter part of 2008 on risk management relating to the application of these concepts and the use of the template. Subject to funding from capital closures.	One - Time Funding	Reference: ACS2007-CMR-OCM-0002, City Council May 9, 2007.	150	(150)	-	-
Preparation and defence of comprehensive Zoning By-law and subsequent appeals to be undertaken by in-house staff, therefore there will be a need to outsource work to accommodate these hearings. Subject to funding from capital closures.	One - Time Funding	-	100	(100)	-	-
			<b>250</b>	<b>(250)</b>	-	-

