Minutes – Executive Policy Committee - June 13, 2007

REPORTS

Minute No. 373 Retention of External Legal Services
File GL-9

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the administrative recommendation and recommends to Council:

1. That the City Clerk be empowered to continue to retain outside legal services as required.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the administrative recommendation be concurred in and forwarded to Council.

Carried

RE: Retention of External Legal Services

FOR SUBMISSION TO: Executive Policy Committee

ORIGINAL REPORT SIGNED BY: City Clerk

REPORT DATE: April 30, 2007

RECOMMENDATION(S):

1) That the City Clerk be empowered to continue to retain outside legal services as required

2) That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report Summary

Key Issues:

- Legal advice and services are often required by committees, their chairs and the Mayor's Office.

- The current administrative directive adopted by the Chief Administrative Officer requires that City Solicitor be involved whenever outside legal services are required. Elected Official, the Mayor's Office, and City Clerk's Department do not report to the CAO and are not bound by this directive.

- In some circumstances, especially those of a highly political nature, it is desirable to engage external legal services.

Implications of the Recommendation(s):

General Implications

X None

☐ For the organization overall and/or for other departments

☐ For the community and/or organizations external to the City

☐ Involves a multi-year contract

Comment(s):

Policy implications

☐ No

X Yes

Comment(s):

Environmental implications

X No

☐ Yes

Comment(s):

Human Resources implications

X No

☐ Yes

Comment(s):

Financial Implications

X Within approved current and/or capital budget

☐ Current and/or capital budget adjustment required

Comment:

Report

History and Discussion:

- Several occasions have arisen over the past year whereby Elected Officials, Executive Policy Committee, Standing Committees, the Mayor's Office, the EPC Secretariat and the City Clerk's Department have required expert legal opinions in dealing with political matters.
- Usually, legal services are provided through the Legal Services Division of the Corporate Services Department.

- The Chief Administrative Officer has adopted an administrative directive setting out that whenever a City Department wishes to make use of outside lawyers, the City Solicitor must be consulted.

- Elected Officials, Executive Policy Committee, Standing Committees, the Mayor's Office, EPC Secretariat and the City Clerk's Department do not report to the Chief Administrative Officer. While these operational areas are not bound by the CAO's administrative directives, an attempt is made to respect their intent.

- The City Clerk's Department will typically facilitate obtaining legal advice. Often times this will involve using lawyers from the Legal Services Division.

- On some occasions, it has been deemed appropriate, especially with highly political matters to utilize external legal services. The City Clerk has facilitated the engagement, terms and payment of outside legal services in these cases.

- In order to ensure continuation of this practice and provide clarity of responsibility and accountability, Council should officially delegate to the City Clerk the authority to retain outside legal counsel as required.

- It should be noted that the City Clerk will also continue to work with the City's Legal Services Division for counsel.

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCE BY:

EPC Secretariat
Mayor's Office
City Clerk's Department

THIS REPORT SUBMITTED BY:

City Clerk's

Prepared by: Richard Kachur (2428)
File No.

J:\LIBRARY\REPORTS\070430 Outside legal services.doc

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required		$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery		-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

"Original signed by"
Marc Lemoine
Deputy City Clerk