Agenda – Council – May 16, 2019

Report – Executive Policy Committee – May 7, 2019

Item No. 4 Request for Budget Increase to provide Legal Services

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 7, 2019, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That an increase of $270,000 to the Legal Services Department operating budget be authorized to engage external legal counsel and expert witnesses to assist with civil litigation matters to be funded by a corresponding increase in the corporate efficiencies account.

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

Report – Executive Policy Committee – May 7, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 7, 2019, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: REQUEST FOR BUDGET INCREASE TO PROVIDE LEGAL SERVICES

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Boryskavich	K. Boryskavich	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

The City of Winnipeg engages external legal consultants on an as-required basis when: (i) specialized expertise is required; (ii) additional legal resources beyond the scope of the Legal Services Department are required; or (iii) the Legal Services Department is in a position of conflict.

This report requests an increase to the Legal Services Department budget in the amount of $270,000, to be utilized to engage external legal counsel ($235,000) and expert witnesses ($35,000) to assist with civil litigation matters beyond the current scope of the Department.

RECOMMENDATIONS

1. That an increase of $270,000 to the Legal Services Department operating budget be authorized to engage external legal counsel and expert witnesses to assist with civil litigation matters to be funded by a corresponding increase in the corporate efficiencies account.

2. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

As the above recommendation is an increase to the Legal Services Department operating budget, the request must be approved by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

Approval of the recommendations will allow the City to engage additional legal resources to assist with civil litigation matters. Individual engagements will be approved through the Materials Management process.

HISTORY/DISCUSSION

The City's Legal Services Department currently has 4 full-time permanent civil litigation positions: (1) a by-law prosecutor; (2) two junior litigators; (3) one senior litigator.

As of April 8, 2019, the senior litigator has left the Legal Services Department to take a non-legal position in another City Department. The recruitment process to hire a new senior litigator is underway; however, given the timeline of such recruitment processes (generally 6-8 weeks at minimum), certain civil litigation matters need immediate attention that cannot be provided with existing resources. Therefore, the Legal Services Department will be required to engage external legal counsel in order to ensure the City is adequately represented with respect to such matters. In addition, the City will incur expert witness costs on such matters.

FINANCIAL IMPACT

Financial Impact Statement

Date: April 24, 2019

Project Name:

First Year of Program 2019

REQUEST FOR BUDGET INCREASE TO PROVIDE LEGAL SERVICES

	2019	2020	2021	2022	2023
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 270,000	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 270,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 270,000	$ -	$ -	$ -	$ -

Additional Comments:

1. Direct Costs above represents estimates for external legal and expert witness costs to be incurred in the amount of $270,000 inclusive of PST.

2. An adjustment to the Legal Services Department 2019 operating budget is requested to be funded by an increase in corporate efficiencies.

original signed by

Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

Corporate Finance
Materials Management

OURWINNIPEG POLICY ALIGNMENT

n/a

SUBMITTED BY

Department: Legal Services Department
Division: n/a
Prepared by: K. Boryskavich
Date: April 24, 2019