

Service Business Plan



Service Name	Corporate Legal	Service Type	Internal
Service Owner Name	Nancy Shea Nicol	Budget Year	2019
Service Owner Title	City Solicitor & Director of Legal Services		

Service Description

An internal service to help Council, the City and its business units achieve their strategic and operating objectives by providing strategic legal and real estate advice and service as well as the delivery of the city's insurance and claims programs and related risk management.

Current State

<p>Customers & Their Expectations</p>	<p>This service is delivered to:</p> <ul style="list-style-type: none"> • The City • Mayor and Council • Senior management • Staff at all levels in the organization <p>Our customers expect us to act in the best interests of the City by providing responsive, competent, timely and cost-effective legal, insurance and real estate advice and support to Council and staff.</p> <p>They expect us to at all times conduct ourselves with a high level of professionalism, integrity and efficiency that supports public confidence in the City of Burlington.</p>
<p>Existing Service Delivery</p>	<p>Legal, insurance/risk management and real estate services provided include:</p> <p>ADVICE: Providing a range of legal advice and opinions to our customers including advice/education of new or pending legislative changes, risk management.</p> <p>ADVOCACY: Representing the City before courts and tribunals (written, oral, negotiations), including prosecutions under the City's by-laws, Fire Code and Building Code, defence of insurance claims (internal and external resources),</p> <p>LEGAL DRAFTING: Preparing and reviewing contracts, agreements and by-laws and reviewing insurance provisions in all contracts.</p> <p>TRANSACTIONAL ACTIVITY: Completing transactions involving the buying/selling/leasing/easements of the City's property and/or land and commercial and real estate legal transactions, and administration of the city's insurance program.</p>

Existing Customer Engagement Tools / Methods	Annual customer satisfaction survey of customers requiring more than 35 hours of legal/real estate service , insurance services.
Is this Service Provincially Legislated?	No N/A
For this Service are there Approved Service Standards?	Yes Conduct related to the delivery of legal service is regulated through the Law Society of Ontario. All legislation and regulation applies to or affects the business of the municipality.

Sub-Services

Real Estate Service (Property & Land)	<ul style="list-style-type: none"> • Strategic land advice and negotiations respecting property related to the delivery of city programs/services • Acquiring and disposing of land for city needs • Negotiation of Lease/license agreements • Parkland dedication valuations
Insurance/Risk Management	Delivery of the city's program of insurance.

Recent Continuous Improvement Initiatives

In 2017, Corporate legal implemented a cloud-based insurance risk and claims management software application, ClearRisk, for the Insurance and Risk Management sub-service. The software has a number of functionalities that will bring efficiencies to the sub-service and is expected to provide new analytics and reporting capabilities to support effective decision-making. The software allows all costs associated with a claim (legal, adjusting, experts) to be tracked in real time. This is important as the city's insurance program now requires costs to be paid in real time, as opposed to at the final disposition of a claim.

In 2018, the department researched and readied for implementation an additional ClearRisk module that will allow the tracking of external legal costs for all matters, not just insurance matters. These costs are currently tracked manually in order to collect data for performance measures. The module has a number of functionalities and is expected to provide new analytics and reporting capabilities to support management of this form of service delivery.

The City acquired cyber insurance in 2018 which will better protect the city in the event of a cyber breach.

The workload in the commercial contracts and other types agreements has been redistributed among the solicitors to better align with specific practice areas (ex. land licensing agreements will be with the real estate solicitor).

Emerging Opportunities and Anticipated Risks

Emerging Opportunities

With a recent vacancy, the service has an opportunity in 2019 to initiate some changes in the how commercial contracts and agreements are reviewed and prepared. There has been some realignment in the department which should allow one solicitor to concentrate on complex agreements to better manage higher risk transactions, such as those involved with the city's procurement program and Information Technology related projects.

City Council has adopted an ambitious 25 year strategic plan that is focused on growth and intensification. Legal resources will be required to defend the policies and amendments to the city's planning instruments to successfully implement Council's vision (planning, transportation).

The use of ClearRisk allows for increased data is collected, the Insurance and Risk Management sub-service will be better able to assess the cost-effectiveness of the delivery of the service and will report on those findings in future business plans.

Anticipated Risks

The cost of acquiring external legal services will continue to increase. The City therefore tries to keep the delivery of legal service in-house and to only supplement the service when a specialized area of law is involved (such as development hearings, environmental matters, expropriation).

Society has become increasingly likely to challenge, appeal and/or file claims against the City as it provides services to the public.

The final outcome of the City's new Official Plan and Zoning Bylaw in 2019 and beyond will generate appeals to the Local Planning Appeals Tribunal. These will have to be defended by either internal or external counsel. These appeals will be resource (people and money) intensive.

As a result of development pressure being experienced in the City, there will be a number of site specific development application appeals which will have to be defended at LPAT as well as appeals to the City's new OP when approved by the Region. All of the uncertainty at the Provincial level with respect to more changes to planning related legislation makes it very difficult to plan with any certainty for the delivery of service in the planning and development practice area.

Service Objectives	Target Completion
Achieve final resolution (trial/settlement) of outstanding litigation.	Dec 2019
The Director and lead of each practice group will meet with their key customers at mid-year each year. This will measure progress related to the anticipated demand for service projected from the annual service demands survey.	Jul 2019
Complete the acquisition of land either through settlement or expropriation required for the widening of Waterdown Road and North Service Road/Walkers re-alignment to allow construction of these projects to proceed on time.	Dec 2019
To successfully defend the approved new Official Plan and Zoning By-law against appeals.	Dec 2020
Renewal of the City's policy of insurance	Mar 2019

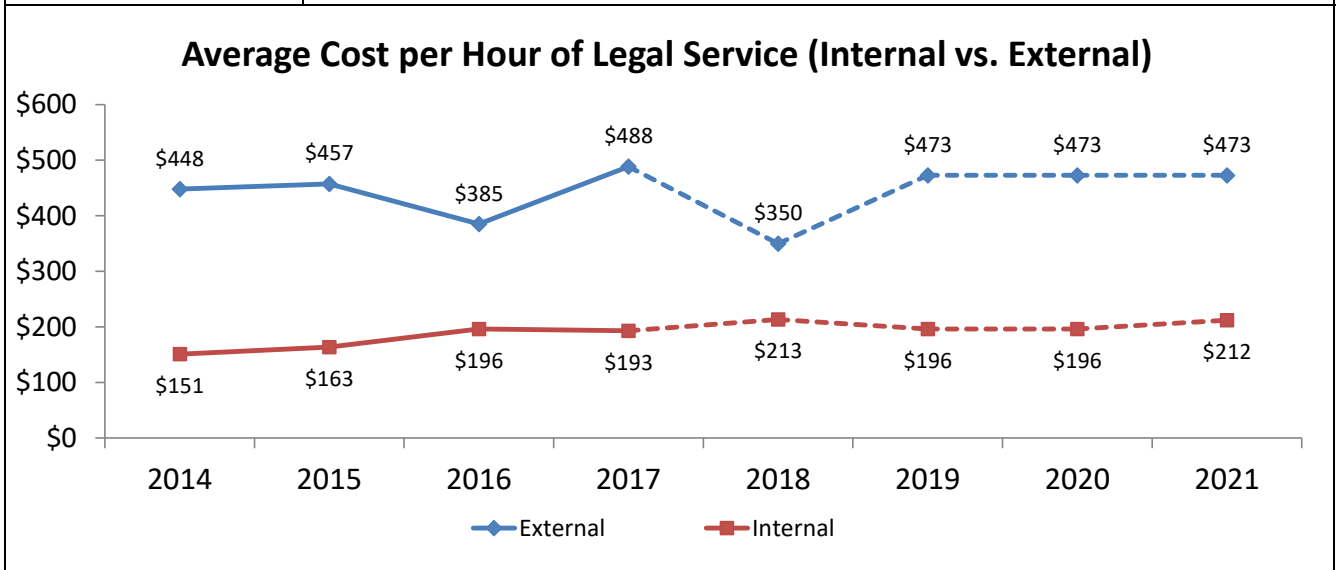
MEASURING SUCCESS

How much did we do?

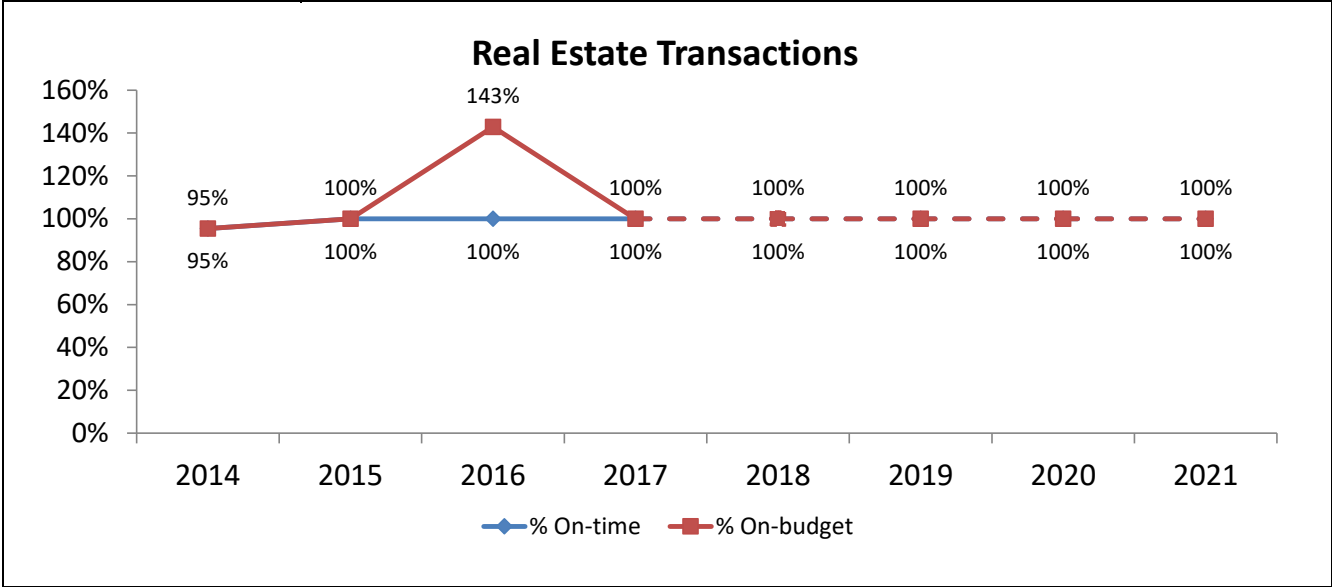
Performance Measurement	2014 Actual	2015 Actual	2016 Actual	2017 Actual	2018 Forecast	2019 Forecast	2020 Forecast	2021 Forecast
Total # of in-house lawyer hours available	9,723	9,353	8,864	9,813	9,172	11,242	11,242	9,611
Total # of external legal service hours purchased	1,438	1,081	905	947	609	978	978	978
# of real estate transactions completed (lease, purchase, sale, transfer)	44	29	21	21	24	21	21	21

How well did we do it?

Performance Measurement	Average Cost per Hour of Legal Service (Internal vs. External)
Story behind the data	In 2019 and 2020, the department will require additional internal and external legal resources to defend the new OP once approved, and handle an increase in the number of development application appeals anticipated in the next 3 years. For confidentiality reasons projections for 2019, 2020 and 2021 external legal resource hours represent the average actual # of hours purchased in 2015, 2016 and 2017.



Performance Measurement	Real Estate Transactions
Story behind the data	The chart reflects the actual number of transactions. The information is tracked manually. Actual data for 2018 will not be available until early 2019.



Is anyone better off?

Performance Measurement	Customer Satisfaction and Value Rating with Legal Service
Story behind the data	Although the survey was undertaken in 2018, no results are able to be reported. A change in the corporate survey platform has rendered the data impossible of interpretation. This will be corrected for the next service plan.
Where do we want to go?	The comments that were reported however, show a high degree of satisfaction with legal services being provided. An area identified for improvement is in the the drafting and review of commercial contracts. Legal has an opportunity in 2019 to address the issue. The other area identified was the need for additional planning law resources. A business case for additional resources in this practice area has been requested for 2019 and is subject to budget approval.

