

# Service Business Plan



<b>Service Name</b>	Corporate Legal	<b>Service Lead Title</b>	Executive Director of Legal Services & Corporation Counsel
<b>Service Lead Name</b>	Nancy Shea Nicol		

## 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.

## Strategic Alignment with Vision to Focus Plan

Increasing economic prosperity and community responsive growth management

Improving integrated city mobility

Delivering customer centric services with a focus on efficiency and technology transformation

## Service Goals

Fill the vacant lawyer positions to ensure that service delivery is maintained at the highest of standards. This will contribute to all initiatives identified for completion over the next 4 years in Vision to Focus.

Provide advice as needed in respect of the completion of the City's scope OP review and Interim Control By-law study and manage litigation that may result.

Participate in EcDev initiatives including the implementation of the Red Tape Red Carpet taskforce including participation in the review of the how the Economic Development Corporation functions and the possible role that a Municipal Development Corporation might contribute to the economic prosperity of the City.

Provide on-going support for any recommendations resulting from the service reviews currently underway, particularly in respect of the work being undertaken in the area of pre-building permit development matters.

## Current State

Customers & Their  
Expectations

This service is delivered to:

- 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>
Existing Service Delivery	<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.

**Programs**

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

## Recent Continuous Improvement Initiatives

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. Implementation of this module has not yet been achieved. We expect to have it operational by the end of Q4 2019. This will eliminate the manual tracking of time for some of our services' performance measures.

One position of Assistant City Solicitor was repurposed to Solicitor. This will better align the department internally and will result in an efficiency with respect to HR related costs.

One position of Insurance and Risk Management Associate was vacated early in 2019. The position has been held open and work redistributed within the department. The purpose of holding the vacancy open is to assess where this resource may serve the needs of the sub-service better - ex. data analytics, trend identification.

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

The library resources have been reduced to eliminate one costly subscription series that wasn't often referenced.

## Environmental Considerations

This service has been migrating over to the use of digital files wherever possible, including litigation files, tribunal matters and insurance. This reduces the need for dependency on the use of paper files and storage needs.

## Emerging Opportunities and Anticipated Risks

Emerging Opportunities	<p>The Service is currently short staffed 2 lawyer positions and filling them has been difficult. Service that cannot be accommodated internally is referred to external resources. Achieving full complement will stabilize service delivery.</p> <p>City Council has adopted Vision to Focus which is a 4 year work plan intended to compliment its 25 year strategic plan. Vision to Focus should result in a more prioritized approach to allocation services in Corporate Legal. This is important when most of our work is driven by Council, Senior Management and other services within the organization.</p> <p>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. With a vacant position in the sub-service, it will be possible to redirect the resource to this purpose.</p>
Anticipated Risks	<p>The vacant lawyer positions has resulted in less predictability in service delivery in 2019 than in the past. The length of time to fill the positions has contributed to additional pressure on staff to meet service demands. There has been an increased reliance on external legal services to fill the gap which is also expensive.</p> <p>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).</p> <p>When the Region approves the City's new Official Plan and Zoning Bylaw in 2020 and 2021 respectively, there will be many 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 the parties will be proceeding in accordance with the Bill 108 rules (hearing de novo).</p> <p>Appeals to any changes to the City's planning instruments that may result from the Interim Control By-law Study underway will occur in 2020 as well.</p> <p>Corporate Legal Services can provide advice to management and staff with respect to significant legislative change that is occurring with respect to planning legislation, development charges, and other municipal legislation affecting municipal services to manage risk resulting from the frequency and speed legislative change.</p>
Enterprise Risk Considerations	<p>Labour Market and Workforce - Attraction, Recruitment, Retention, Compensation, Skills</p> <p>Legislative Changes - Provincial and Federal Legislative Changes, Speed of Change and Policies</p> <p>Election and Council - Change in Strategic Plan, Massive Policy Shifts</p>

Service Initiatives	Target Completion
Achieve final resolution (trial/settlement) of outstanding litigation where possible.	Dec 2020
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 2020
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 2020
To successfully defend the approved new Official Plan and Zoning By-law against appeals.	Dec 2020
Review current Insurance portfolio	Mar 2020

# MEASURING SUCCESS

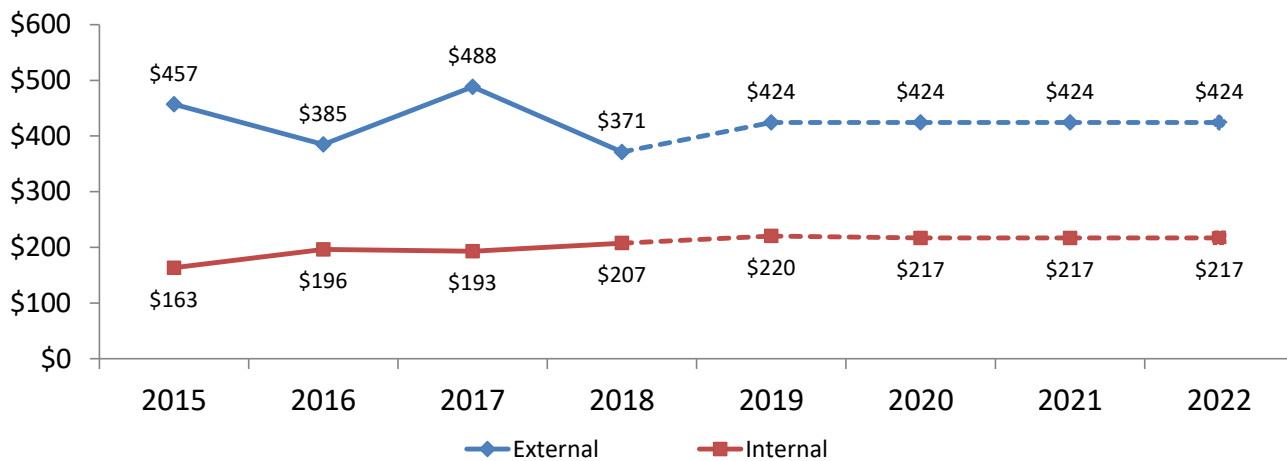
## How much did we do?

Performance Measurement	2015 Actual	2016 Actual	2017 Actual	2018 Actual	2019 Forecast	2020 Forecast	2021 Forecast	2022 Forecast
Total # of in-house lawyer hours available	9,353	8,864	9,813	9,153	7,390	9,436	9,436	9,436
Total # of external legal service hours purchased	1,081	905	947	483	778	778	778	778
# of real estate transactions completed (lease, purchase, sale, transfer)	29	21	21	27	21	23	23	23

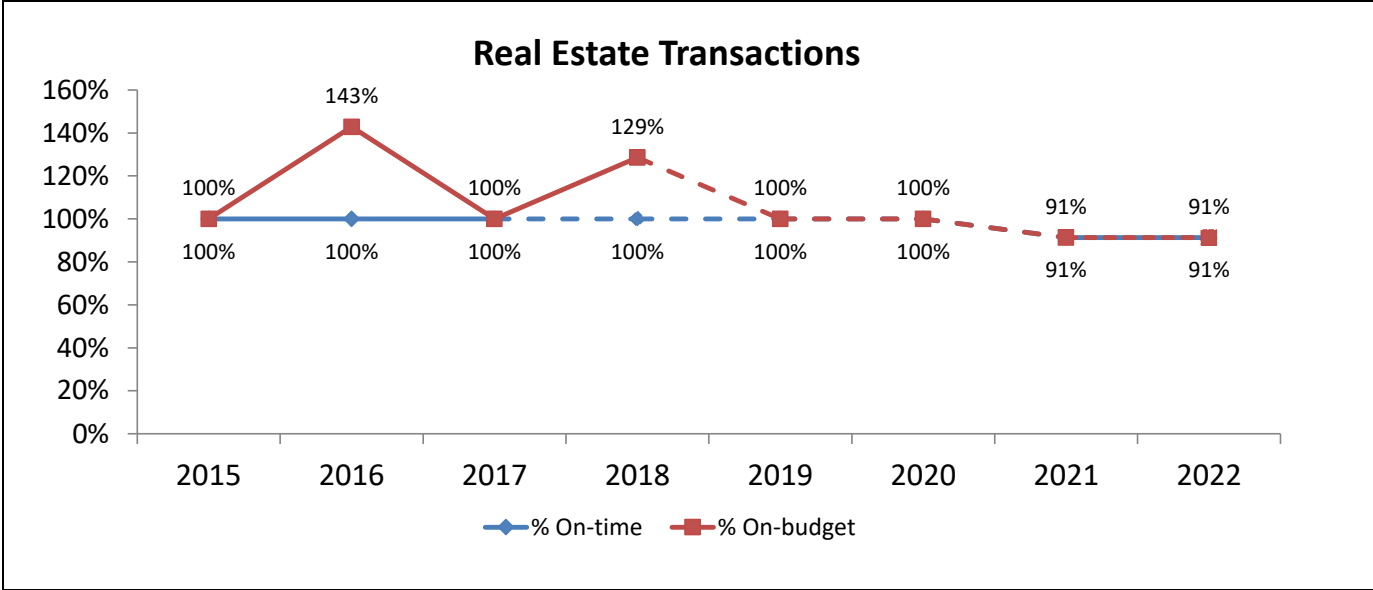
## How well did we do it?

Performance Measurement	Average Cost per Hour of Legal Service (Internal vs. External)
Story behind the data	The department has been short-staffed 2 lawyers for the better part of 2019. This has resulted in a reduced number of internal lawyers hours and a concurrent increase in the average cost per hour of service delivered. Assuming the positions are filled the cost per hour of service should accordingly recalibrate in 2020. In 2020, the City will be required to defend the new Official Plan. We expect that the number of external legal hours purchased will increase to reflect Bill 108 style LPAT hearings. For confidentiality reasons projections for 2020, 2021, and 2022 external legal resource hours

**Average Cost per Hour of Legal Service (Internal vs. External)**



<b>Performance Measurement</b>	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?**

<b>Performance Measurement</b>	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. In 2018 the department was short staffed by 1 lawyer which impacted service delivery. It isn't surprising that satisfaction may have declined marginally.
Where do we want to go?	The comments that were reported however, show a high degree of satisfaction with legal services being provided. In 2019 the department was short-staffed by 2 lawyers which will likely negatively impact client service satisfaction levels. We expect to have the 2 positions filled in Q4 2019 which should improve satisfaction levels going forward.

