

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013

Item 30, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 4, 2013.

30 LEGAL SERVICES DEPARTMENT RESOURCING – BUDGET TRANSFER

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Legal & Administrative Services/City Solicitor, dated May 21, 2013:

Recommendation

The Commissioner of Legal & Administrative Services/City Solicitor, in consultation with the Commissioner of Strategic & Corporate Services, recommends:

1. The addition of one permanent, full-time lawyer to the Legal Services Department complement effective immediately;
2. That this new position be funded through a permanent transfer of available 2013 contingency funds; and
3. That the existing contract lawyer position in the Legal Services Department be eliminated.

Contribution to Sustainability

Not applicable.

Economic Impact

The pay grade for a permanent full-time lawyer ranges between \$153,000 and \$182,000, including benefits.

Currently, within the Legal Department's operating budget is an amount for the existing contract position, approximately \$151,100 including benefits. Due to the position's short-term nature and relationship to City growth, approximately 80% or \$112,200 was funded through development charges. Funding through development charges is not permitted for permanent staffing requirements and therefore will not be available to partially off-set the costs of a permanent position. Therefore, the transition to a permanent staffing model will require additional funding in the range of \$114,100 to \$143,100.

The City's current practice is to budget \$200,000 for miscellaneous unplanned events within the City's contingency account. To accommodate this request, a portion of this source, up to \$143,100, would be transferred from the contingency account to the Legal Department's budget to continuously fund the permanent position. This action will be treated as a permanent budget transfer and therefore will not impact the City's overall 2013 operating budget or tax rates. As a result, the existing contract position will be eliminated and only \$56,900 will remain in the City's miscellaneous contingency sub-account for future unplanned 2013 events.

Communications Plan

Not applicable.

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Purpose

The purpose of this Report is to seek Council's approval with respect to converting the existing lawyer contract position to a permanent, full-time lawyer position in the Legal Services Department.

Background - Analysis and Options

Following Council's adoption of the Vaughan Official Plan 2010 ("Vaughan OP") in September 2010, OMB appeals based on the Region's failure to announce a decision on the Vaughan OP in accordance with the *Planning Act* requirements were filed. To date, 118 appeals have been filed, with the expectation that a few more will be received in the near future. The first OMB Pre-hearing Conference was held on November 14, 2012. At that time, 55 appeals had been received and it was anticipated that the appeal process would take approximately 18 to 24 months. Due to the increased number of appeals as well as scheduling availability of the OMB, staff now anticipate that the OMB process is likely to take a minimum of 3 years.

Based on the experience of the appeals of the Region of York's Official Plan and those of neighbouring municipalities, it is expected that a series of pre-hearings, mediations which require considerable pre-mediation and settlement meetings, and lengthy hearing dates scheduled in phases will take place. The resolution of OMB appeals to bring the Vaughan OP and associated Secondary Plans into force along with resolution of site specific appeals (either by way of settlement or hearing) is a complex and intensive endeavour requiring resources from several City departments, including Legal, Development Planning, Policy Planning, Development Engineering, Cultural Heritage Services, and Parks Development. Many of the issues related to the intensification requirements of the Growth Plan are new and multi-faceted, requiring the expertise of various professionals, all of which must be filtered through the legal team handling the appeals. In order to manage this undertaking, assistance is required both internally and externally.

Currently, there is one permanent, full-time lawyer in the Legal Services Department that is handling all of the Vaughan OP work, all other OMB appeals and any work in support of the Planning Department. In order to assist with the OMB appeals of the Vaughan OP, a lawyer was hired on contract in December 2011 for a 2 year period. The lawyer has recently resigned, with 7 months remaining in the contract. The contract position has funding to December, 2013.

Given the number of appeals and the need for consistency and continuity in handling these appeals and related legal planning work in support of the Vaughan OP, it was intended that a 2 or 3 year extension of this contract or a permanent lawyer position be included in the 2014 budget. There is significant concern that a 1 year, or even a 3 year contract position, will not attract a suitable candidate who has the requisite experience and knowledge to "hit the ground running". It is also anticipated that with the continued growth in the City over the next 10 years, a planning lawyer who is a permanent, full-time employee of the municipality is the most cost-effective option to meet the City's needs.

Therefore, it is strongly recommended that the contract position be converted to a permanent, full-time complement position at this time.

Notwithstanding the addition of this permanent position, there will be a need to retain external counsel from time to time to assist with complex appeals and to manage workload issues in order to enable the Legal Services Department staff to properly support the Planning Department. On-going oversight and collaboration between the Legal Services Department lawyers and external counsel will be required for these matters.

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Relationship to Vaughan Vision 2020/Strategic Plan

This Report is consistent with the priorities previously set by Council and recommends a change in the necessary resources required to be allocated to achieve the City's priorities.

Regional Implications

None

Conclusion

A permanent, full-time lawyer position is required in the Legal Services Department in order to support the Planning Department from the legal perspective and to respond to the numerous OMB appeals of the Vaughan OP over the next several years.

Attachments

None

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