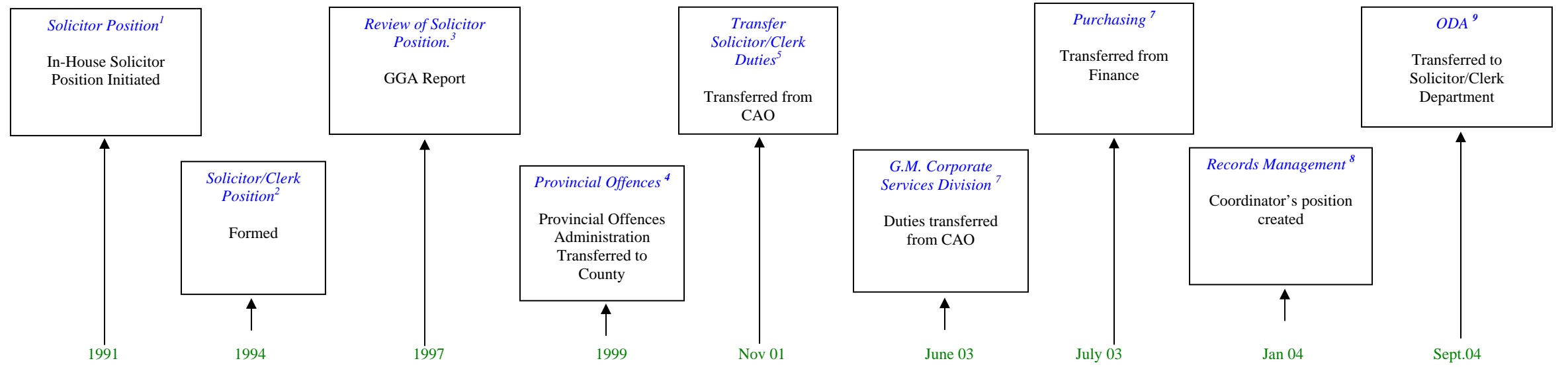


**CORPORATE SERVICES DIVISION  
SOLICITOR/CLERK'S DEPARTMENT**

**HISTORICAL IMPACTS/REPORTS TIMELINE**



## **CORPORATE SERVICES DIVISION SOLICITOR/CLERK'S DEPARTMENT**

### **HISTORICAL IMPACTS/REPORTS BACKGROUND**

#### **In-House Solicitor Position Initiated (1991)<sup>1</sup>**

- A review of outside legal bills being paid by the County for legal opinions and advice was conducted.
- Results of review indicated legal bills in excess of \$400,000/year.
- The decision was made by Council to hire an in-house solicitor.

#### **Formation of Solicitor/Clerk Position (1994)<sup>2</sup>**

- In 1994 the office of the Solicitor/Clerk was established. This moved all the statutory duties of Clerk from the then CAO/Clerk position to the new Solicitor/Clerk position.

#### **Review of Solicitor/Clerk Position (GGA Report 1997)<sup>3</sup>**

- Review of the position of in-house solicitor was conducted during the GGA operational review.
- The report recommended that the position of Solicitor/Clerk be retained to provide in-house legal services. This recommendation was supported by Council.

#### **Provincial Offences Administration Transfer (1999)<sup>4</sup>**

- In 1999, the Province transferred the administration and operation of the Provincial Offences Court to the County. This new function was managed by the Solicitor/Clerk Department.

#### **Transfer – New Solicitor / Clerk (2001)<sup>5</sup>**

- In 2001, as a result of the Way Forward initiative, the Solicitor/Clerk took on the duties of CAO as well as responsibilities for Information Technology and Human Resources.

However, later that year the Solicitor/Clerk duties were devolved to a new incumbent who resumed the Solicitor/Clerk duties prior to the CAO / Solicitor position was established.

- The Responsibilities of the Council Meetings and Agenda however, remained with the CAO's office as did the position of Confidential Secretary. The Solicitor/Clerk's department operated with two full-time staff, the legal secretary and the Solicitor/Clerk.
- The Solicitor/Clerk took on the responsibilities of Municipal Prosecutor and the administration of Provincial Offences was transferred to Finance.

#### **G.M. Corporate Services Division (2003)<sup>6</sup>**

- In July, 2003 the Solicitor/Clerk took on the added duties of General Manager of Corporate Services. The time available to devote to Solicitor/Clerk duties was diminished to approximately 40% of previous capacity.
- A Municipal Prosecutor was hired on contract on a part-time basis and reported to the Solicitor/Clerk.

#### **Purchasing (2003)<sup>7</sup>**

- Purchasing transferred to Solicitor/Clerk Department from Finance. This position had been established as a result of the GGA Report of 1997, but had been resident in the Finance Department since its establishment in 2001.

#### **Records Management (2004)<sup>8</sup>**

- In February 2002 the General Manager of Community Services submitted a report to the Way Forward Committee. The Report dealt with a proposed reorganization of the Library Services Department and included a recommendation that a position of Records Management Coordinator be created.
- In October 2003 the General Managers considered the proposal to create a records management coordinator and decided because of the need for a corporate wide approach to

this function, that it become a centralized function under the General Manager of Corporate Services.

- In January, 2004 a Records Management Coordinator position was established.

#### **Ontarians With Disabilities Act (2004)<sup>9</sup>**

- Responsibilities of the Municipality under the Ontarians With Disabilities Act were transferred to the Solicitor/Clerk's department in 2004 from the Social and Health Services Division.

**CORPORATE SERVICES DIVISION  
SOLICITOR/CLERK'S DEPARTMENT**

**HISTORICAL IMPACTS**

Business Process Reviews

Since the creation of the in-house Solicitor position in 1991 and merging that position with the Clerk functions in 1994, the basic work of the department has remained fairly constant.

The creation of an in-house Solicitor position was a response to rapidly increasing legal costs for services provided by various outside legal firms and practitioners. A review of the efficacy of maintaining an in-house solicitor was conducted in 1997. The result of that review by an independent consultant (GGA Report) was to maintain the in-house solicitor.

While the County continues to obtain specialized legal services from outside legal counsel, having in-house legal counsel provides timely, consistent advice on most of the day to day legal issues which face most municipalities on an on-going basis.

The recommendation with the GGA report of 1997 to move to a more centralized purchasing model was fully realized in 2001. While this position originally reported to the Finance department, it moved to the Solicitor/Clerk's department in 2004. This move was in recognition of the many legal aspects inherent in tendering and contracts regarding agreements to purchase as well as providing the Purchasing Co-ordinator with a direct reporting structure to the Solicitor and the G.M. of Corporate Services.

Records Management was first identified in a library restructuring recommendation in 2002. The rapid growth of the County as a result of the many services down-loaded from the Province heightened the awareness of the need for a concerted effort to move toward a more homogenous record keeping system for the County as a whole. In addition, the expansion of the use of electronic records and communication systems has changed the face of record keeping.

More recent events in the field of white-collar crime and the ensuing litigation have highlighted the legal weight placed on all forms of record keeping and what is expected as diligent maintenance of records for any organization. Once the County

was in a position to hire a person to fill the records management position it had become clear that the focus was a corporate one and the decision was made to place the position in the Corporate Services Division. This is a complementary addition to those functions which have historically been tied to the Clerk and to the Freedom of Information function of the Clerk as well.

Review of Staffing Levels

When the Solicitor position was established in 1991, an assistant was hired to support the position. When the Solicitor/Clerk's Department was established in 1994, the department was comprised of three full time staff – the Solicitor/Clerk, the legal secretary and a confidential secretary.

With the centralization of Purchasing and Records Management in the Solicitor/ Clerk's Department, two staff were added to fill these positions. The confidential secretary continues to reside with the CAO's office.

A part-time contract Prosecutor was hired in Sept., 2002. The function of ODA Co-ordinator rests with the Social Planner; however, it is supervised by the Solicitor/ Clerk.

In total, staffing levels in the Solicitor/Clerk department include part of Solicitor/ Clerk (0.4), Executive Assistant (0.4), Purchasing Co-ordinator (1), Records Management Co-ordinator (1), Prosecutor (0.3).

### Benchmarking Performance Measures

Benchmarking and performance measurement standards have not been formalized by any official means that staff are aware of. There have been various surveys and comparisons

throughout the years among municipalities and staff are intending to draw upon these reports as we move forward to the next phase of this process.

Organizations such as AMCTO and AMO may also be a resource for this type of comparison information which can be analysed for Council information as well.