

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

CORE SERVICES REVIEW

BENCH MARKING

- No formal benchmarking data available i.e. MPMP, OMBI.
- An informal survey was conducted of other municipalities to collect some information for comparison purposes.
- Legislation demands that the position of Clerk is mandatory and outlines the responsibilities of the Clerk which are also mandatory.

Solicitor/Clerk

- A survey of Counties and Cities reveals that generally speaking cities have in-house legal counsel while unstructured Counties tend to outsource legal services.
- Many of the County Clerks expressed an increasing reliance on outside legal counsel for the day-to-day matters and are questioning the cost-effectiveness of outside vs in-house solicitor.
- Of 22 Cities with populations between 70,000 and 155,000, 13 had two or more in-house solicitors on staff and 3 had outside legal counsel on retainer.
- Only one other municipality surveyed had a joint solicitor/clerk position that being Sarnia.
- In general the 22 Cities surveyed had a stand alone Clerk position. Only two shared the Clerk position with another position. In the City of Sarnia the Clerk position is shared with the Solicitor position. In the City of St. Catharines, the Clerk shares that position with the G.M. of Corporate Services.
- In the 28 Counties surveyed the Clerk position was combined with the CAO position in 9 of the Counties, combined with the Treasurer in 2, and in the remaining 16 Counties was a stand alone position, at times with a Deputy Clerk position as well.

- No City or County combines the Solicitor, the Clerk and the G.M. of Corporate Services.

Records Management

- An information survey resulted in 5 responses. All respondents had a person dedicated to Records Management. The Association of Records Managers and Administrators maintains current practice standards and provides support. We are a member of this organization. From the data collected, Lambton is on par with other like municipalities in this area.
- The Records Manager position in Lambton also handles the Freedom of Information and Privacy requests on a day to day basis and acts as a resource to the other departments in this regard. Other municipalities often combine these functions as well.

Purchasing

- A sampling of other municipalities reveals that the County of Lambton model differs considerably from other Ontario municipalities. Most municipalities operate a highly centralized model where all Departmental requirements are driven through a requisition process to the Purchasing Department who initiates all purchases on behalf of the organization.
- As a result there are more staff required to meet these demands in a timely manner; however, the movement toward a centralized model by such a large number of municipalities suggests a positive business case has been made to move in this direction.

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BEST PRACTICES

- No formal best practices have been developed.
- The Ontario Centre for Municipal Best Practices has only produced reports in areas of Waste Management, Transit, Water and Sewer, and Roads.

PROVINCIAL FUNDING COMMITMENTS

- There is no provincial funding available for any function of the Solicitor/Clerk's Department.
- All funds come from the County budget.

ALTERNATIVE SOURCES OF DELIVERY

Solicitor/Clerk

Presently, the Solicitor/Clerk function is operating with considerably lower FTE complement than prior to the appointment of the GM of Corporate Services. Whereas it once operated with 2 FTE's (1 Solicitor/Clerk, 1 support) it now functions with 0.8 FTE (0.4 Solicitor/Clerk and 0.4 support).

- Options for Delivery of Service:
 1. Contracting out Legal Services;
 2. Review of Model.

Option #1 - Contracting out Legal Services

- A review of the matter regarding contracting out Legal Services was conducted by the GGA Study in 1996. That study concluded

that maintaining a full time solicitor in-house provided good value. The study went on to indicate that in the event that the County took on additional services, additional legal resources would likely be required.

- As demonstrated in the survey, the majority of Counties do not have in-house legal services, while the majority of Cities do. In speaking with County Clerks, most Counties do employ the services of a County Solicitor (who is in private practice), for the day-to-day legal issues which arise. Many indicated that they are in at least weekly, and some, daily contact. This is not including those specialized legal issues such as H.R. or litigation. In those Counties who were able to give a figure of legal costs they ranged from \$30,000 - \$150,000 per year not including HR and litigation matters. Lambton County decided to hire in-house legal council in 1991 as a result of an analysis of this exact issue. The amount of legal advice required on an on-going daily basis by the County would be cost prohibitive if required to be done on an outsourced basis. The average legal fees from a private firm would be estimated at \$250-\$300/hour.

Option #2 - Review of Model

- Since the Way Forward Review much has changed in this department. The Solicitor/Clerk's office has acquired new responsibilities for the Purchasing Co-ordinator, Records Management Co-ordinator and ODA functions, in addition to managing POA prosecutions, Freedom of Information, insurance claims and regular legal and Clerk functions (not including Council and Committee agendas). In addition, the incumbent has also

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taken on the duties of G.M. of Corporate Services. One manager and one Administrative Assistant is perhaps inadequate to fulfill all these roles in an organization this size and a review of this model may assist in determining the appropriate model to fulfill these obligations. If Council does not wish to employ a consultant to conduct a review, an internal review may be appropriate.

Records Management

- From the information we have been able to access, as well as the success of this function within the organization, no alternate source of delivery of this function is put forward or recommended.

Purchasing

- Options for Delivery of Service:
 1. Move toward a more centralized model;
 2. Status Quo.

Option #1 - More Centralized Model

- Prior to 2001, the County of Lambton had a de-centralized purchasing model where each department had the responsibility of purchasing all its own needs. In 2001 a Professional Purchasing Coordinator was hired and we now have what we could refer to as a hybrid model, neither fully centralized nor de-centralized. In a centralized model, all purchasing is done through one department. It has definitely been the trend for Ontario municipalities to move to this model mainly for reasons of purchasing power as a cost saving measure, continuity of supplies, inventory control and more attention being paid to legal issues arising in purchasing matters.

Option #2 - Status Quo

- As explained earlier the present model was established to ensure the presence of professional purchasing expertise for those purchases over a specified dollar amount as well as maintain a policy and provide training to individual departments who did most of their own purchasing. Over time, the position has grown and taken on implementation of an inventory control system and leading the way to corporate-wide purchasing of some services. To retain the status quo, this movement toward corporate-wide purchasing should not progress further since the resources are not available. This position has no clerical support and must rely upon the G.M. Corporate Services / Solicitor/Clerk Administrative Assistant and own resources.

RECOMMENDATIONS

1. Review of Solicitor/Clerk / G.M. Corporate Services model by management consultant.
2. In depth internal review of purchasing model with recommendations to Council by December, 2006.