

2021 Law Department Audit Report

RECOMMENDATION(S):

That the Audit Committee recommends that Council receive this report for information.

RECOMMENDATION OF THE AUDIT COMMITTEE, 2021 DECEMBER 16:

That Council receive this report for information.

HIGHLIGHTS

- Law supports the delivery of all services to citizens by addressing the corporation's legal, insurance and claims needs. Law also contributes to risk management and mitigating options enabling informed decision making within the corporate risk tolerance.
- In collaboration with colleagues in Human Resources, Law supported the corporate equity, diversity, and anti-racism work through the introduction of a Law Department specific program focusing on the work we do and how we interact with others through an equity, diversity and anti-racist lens. Actions included development of a program, formal training for the Law Leadership Team, training sessions and workshops for all staff and the creation of a Committee (currently underway) to continue this journey in 2022 and beyond.
- Following completion of its Zero-Based Review in Q1 2020, Legal Services commenced an internal structural review focused on "Right Service, Right time, Right Value". This included a realignment of business unit sections as well as the creation of formal cross-section teams. The realigned structure was substantially completed in the first quarter of 2021 resulting in improved service efficiency, effectiveness, and resilience.
- In 2021, work was commenced with the Corporate Integrated Risk Management team to more thoroughly integrate the consideration of corporate risk tolerance into the delivery of our services.
- Law supported Corporate and Council response to ongoing COVID-19 matters including the state of local emergency, bylaw drafting and amendments, labour and employment matters, and local business support.
- Because of our Corporate-wide perspective, members of the Law Department are well positioned to support informed and strategic decision making at every level of the Corporation, including the City Solicitor & General Counsel's role as a member with the Corporation's Executive Leadership Team.
- Law is involved in many high impact and complex matters including the Shareholder Alignment Review on Wholly-Owned Subsidiaries, Event Centre, Green Line, and the Rapid Housing Initiative for Affordable Housing.
- Strategic Alignment to Council's Citizen Priorities: A well-run city
- Background and Previous Council Direction is included as Attachment 1.

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DISCUSSION

Law provides two services as identified in One Calgary:

- Legal Counsel and Advocacy;
- Insurance and Claims;

Members of Law provide advice, support and services to the Mayor and Council, the City Manager, General Managers, Directors, and employees throughout the corporation. Our role is to handle or oversee all legal matters affecting the Corporation, deliver insurance and claims services, which supports the achievement of outcomes on time, on budget and within corporate risk tolerances.

Legal Services

What does Legal Services do and why do we exist?

Legal Services is a full-service internal law department whose members are highly qualified legal professionals with diverse expertise and experiences, specializing not only in municipal legal matters but also the business of the corporation.

Services include:

1. Advocacy – supporting the protection, defence, and advancement of the corporation's interests before courts, boards, tribunals and other decision makers.
2. Corporate Counsel – identifying and evaluating corporate risk by providing strategic, business, and legal advice, and supporting all service lines in the execution of Council's strategic directives.
3. Business Transactions – negotiating and drafting agreements and other documents as well as advising on interpretation and enforceability and facilitating the closing of legal transactions.
4. Municipal Counsel – providing legal advice on matters related to municipal issues.
5. Regulatory – advising on corporate regulatory obligations and proposed actions to satisfy those obligations.

External legal resources are only used where:

1. Internal resources are at capacity and additional resources are required;
2. Issues require unique technical experience that is not available internally; or
3. A conflict of interest exists.

Attachment 2 outlines Law's organizational structure, Attachment 3 outlines Legal Services' practice areas and Attachment 4 highlights various performance measures.

Risk Management and Claims

Law's Risk Management and Claims Division delivers insurance and claims services to help customers identify, address and manage risk, manage The City's civic insurance program and work with the members of Legal Services to recover costs associated with damage caused to

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City assets. They also provide an avenue for citizens should they wish to submit a claim to The City. A detailed Insurance and Claims' Service report is included in Attachment 5 & Risk Management and Claims infographic in Attachment 6.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

IMPLICATIONS

Social

N/A

Environmental

N/A

Economic

N/A

Service and Financial Implications

No anticipated financial impact

RISK

A properly resourced Law business unit reduces legal, financial and reputational risk and exposure for The City in litigation and in other matters pertaining to The City. Law acts as a strategic partner supporting collaboration to achieve a common purpose, working differently to meet the changing needs of The City and citizens, and innovating by challenging the status quo.

ATTACHMENT(S)

1. Previous Council Direction, Background
2. Law Department Structure
3. Legal Services Practice Areas
4. Legal Services Infographic
5. Risk Management and Claims 2021 Report
6. Risk Management and Claims Infographic
Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Jill Floen	City Solicitor & General Counsel	Approve
David Duckworth	City Manager	Approve

Approval: City Manager David Duckworth concurs with this report.

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